OCC CASE 0179-14

ALEJANDRO NIETO

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Friday, March 28, 2014

Complaint Against: Personnel ☑ Policy ☐ Procedure ☑

How Received: Person ☐ Phone ☐ Letter ☐ SFPD ☐ Mail-In ☐ Other ☒ : (specify) FAX

		1	7	9	1	4	

(2) Primary Complainant: ○ Co-Complainant

[redacted] on behalf of Alejandro Nieto

Last Name | First Name | Middle Initial

HOME ADDRESS: Street | Apartment

City | State | Zip

WORK ADDRESS: [redacted] Street | Apartment

City | State | Zip

(3) Personal Information

Age: 24 Date of Birth:

Sex: M

Ethnicity: Latino

Occupation: Security Guard/Student

(4) Telephone Numbers:

Home: ( )

Work: [redacted]

(5) Location of Occurrence: Bernal Heights Park

(6) Type of Place: Public Park

(7) District: H

(8) Day, Date, & Time Of Occurrence: March 21, 2014 @ 7pm A.M. (P.M.) (Circle one)

(9) Incident Report or Citation No: 140 240 512

(10) SECONDARY COMPLAINANT? Yes ☐ No ☐ Witnesses? Yes ☐ No ☐ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☐ No ☐ Criminal Case Pending In Relation to this matter? Yes ☐ No ☑

(11) Injuries Claimed? Yes ☑ No ☐ Injuries Visible? Yes ☑ No ☐ Drug/Alcohol Related? Yes ☐ No ☐

Photos Taken? Yes ☐ No ☐ By: Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: shooting death Medical Release Signed? Yes ☐ No ☐

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
			?	?		Officers' names are unknown, as SFPD has refused to release their names.			?	?

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

SFPD Officers shot and killed Alejandro Nieto on Friday March 21st, 2014 at approximately 7pm.

Police were reportedly responding to a call about a man with a gun in his holster.

Officers arrived and confronted Mr. Nieto.

Mr. Nieto was shot multiple times and was not armed with a gun but A taser.

A taser he was lawfully Allowed to carry and used for his job as A security guard which he was intending to go to After he finished his meal.

Officers may have used: excessive force; improper procedure/tactics; And Falsified Officer reports to cover up their misconduct

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ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☑ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT. ☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

[redacted] 3/28/14

Taken By (Name/#/Unit)/Date:

Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Thurs 3/27/14 2:15 PM

[ ][ ] - [1][7] - [9][1][4] - [ ][ ]

Complaint Against: Personnel ☒ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☒ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

2 Primary Complainant: ● **Co-Complainant**

[redacted] / [redacted]

Last Name / First Name / Middle Initial

HOME ADDRESS: [redacted]

Street / Apartment

[redacted] / [redacted] / [redacted]

City / State / Zip

WORK ADDRESS: _____

Street / Apartment

City / State / Zip

3 Personal Information

Age: ____ Date of Birth: [redacted]

Sex: M

Ethnicity: Latino

Occupation: _____

4 Telephone Numbers:

Home: [redacted]

Work: (____) _____

5 Location of Occurrence: Bernal Heights Park

6 Type of Place: Park

7 District: H

8 Day, Date, & Time Of Occurrence: 3/21/14

A.M. / P.M. (Circle one)

9 Incident Report or Citation No: 140240512

10 SECONDARY COMPLAINANT? Yes ☒ No ☐ Witnesses? Yes ☐ No ☒ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☒ No ☐ Criminal Case Pending in Relation to this matter? Yes ☐ No ☒

11 Injuries Claimed? Yes ☐ No ☐ Injuries Visible? Yes ☐ No ☐ Drug/Alcohol Related? Yes ☐ No ☒

Photos Taken? Yes ☐ No ☐ By: Photo Lab ☐ O.C.C. ☐ Other: _____

Type of Injury: Medical Release Signed? Yes ☐ No ☒

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See KF				

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: M. Ivas 3/27/14
Assigned Investigator/Date:	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Thurs 3/27/14

		1	7	9	1	4		

Complaint Against: Personnel ☒ Policy ☒ Procedure ☐

How Received: Person ☐ Phone ☒ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

(2) **Primary Complainant:** ○ **Co-Complainant**

[redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

(3) **Personal Information**

Age: 38 Date of Birth: [redacted]

Sex: M

Ethnicity: Latino

Occupation:

(4) **Telephone Numbers:**

Home: ([redacted]

Work: (____)

(5) **Location of Occurrence:** Bernal Heights Park

(6) **Type of Place** Park

(7) **District** H

(8) **Day, Date, & Time Of Occurrence:** 3/21/14 **A.M. / P.M.** (Circle one)

(9) **Incident Report or Citation No** 140 240 572

(10) **SECONDARY COMPLAINANT?** Yes ☒ No ☐ **Witnesses?** Yes ☐ No ☒ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☒ No ☐ **Criminal Case Pending in Relation to this matter?** Yes ☐ No ☒

(11) **Injuries Claimed?** Yes ☐ No ☐ **Injuries Visible?** Yes ☐ No ☐ **Drug/Alcohol Related?** Yes ☐ No ☒

Photos Taken? Yes ☐ No ☐ **By:** Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: **Medical Release Signed?** Yes ☐ No ☒

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth

OCC# 179-14

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☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: Mary Ives 3/27/14
Assigned Investigator/Date:	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Friday, March 28, 2014

		1	7	9	1	4		

Complaint Against: Personnel ☑ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☑ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

2 **Primary Complainant:** ☒ **Co-Complainant**

[redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

3 **Personal Information**

Age: Date of Birth: [redacted]

Sex: F

Ethnicity: Mexican

Occupation: Writer/Legal research

4 **Telephone Numbers:**

Home: (6[redacted]

Work: ( )

5 **Location of Occurrence:** Bernal Hill Park

6 **Type of Place** Park

7 **District** 11

8 **Day, Date, & Time Of Occurrence:** 3/21/14 ✓ 7:10 A.M. / P.M. (Circle one)

9 **Incident Report or Citation No** 140240512

10 **SECONDARY COMPLAINANT?** Yes ☑ No ☐ **Witnesses?** Yes ☐ No ☑ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☑ No ☐ **Criminal Case Pending in Relation to this matter?** Yes ☐ No ☒

11 **Injuries Claimed?** Yes ☐ No ☒ **Injuries Visible?** Yes ☐ No ☒ **Drug/Alcohol Related?** Yes ☐ No ☒

Photos Taken? Yes ☐ No ☒ **By:** Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: **Medical Release Signed?** Yes ☐ No ☒

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3/28/14
Assigned Investigator/Date:	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Thurs 3/27/14 9:15 AM

				1	7	9	1	4						

Complaint Against: Personnel [X] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [X] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

(2) **Primary Complainant:** ● **Co-Complainant**

[redacted] [redacted]

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

Street Apartment

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:

Street Apartment

City State Zip

(3) **Personal Information**

Age: 28 Date of Birth: [redacted]

Sex: F

Ethnicity: H

Occupation: Student

(4) **Telephone Numbers:**

Home: [redacted]

Work: ( )

(5) **Location of Occurrence:** Bernal Heights Park

(6) **Type of Place:** public park

(7) **District:** H

(8) **Day, Date, & Time Of Occurrence:** Friday 3/21/14

A.M. / P.M. (Circle one)

(9) **Incident Report or Citation No:** 140 240512

(10) **SECONDARY COMPLAINANT?** Yes [X] No [ ] **Witnesses?** Yes [ ] No [ ] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [X]

(11) Injuries Claimed? Yes [ ] No [ ] Injuries Visible? Yes [ ] No [ ] Drug/Alcohol Related? Yes [ ] No [X]

Photos Taken? Yes [ ] No [X] By: Photo Lab [ ] O.C.C. [ ] Other:

Type of Injury: Medical Release Signed? Yes [ ] No [X]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

OCC# 179-14

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☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: Inv. Mary Tuvas 3/27/14 ~~4/2/14~~
Assigned Investigator/Date:	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Wednesday, March 26, 2014

179 14

Complaint Against: Personnel ☑ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☑ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

2 **Primary Complainant:** ○ **Co-Complainant**

[redacted]

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

Street Apartment

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:

Street Apartment

City State Zip

3 **Personal Information**

Age: Date of Birth: [redacted]

Sex: M

Ethnicity: Chicano

Occupation: United Airlines

4 **Telephone Numbers:**

Home: [redacted]

Work: ( )

5 **Location of Occurrence:** Northside of Bernal Hill

6 **Type of Place** 05

7 **District** H

8 **Day, Date, & Time Of Occurrence:** Friday March 21, 2014 7:10 A.M. / (P.M.) (Circle one)

9 **Incident Report or Citation No**

10 **SECONDARY COMPLAINANT?** Yes ☐ No ☑ **Witnesses?** Yes ☐ No ☑ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☑ No ☐ **Criminal Case Pending in Relation to this matter?** Yes ☐ No ☑

11 **Injuries Claimed?** Yes ☐ No ☑ **Injuries Visible?** Yes ☐ No ☑ **Drug/Alcohol Related?** Yes ☐ No ☑

Photos Taken? Yes ☐ No ☑ **By:** Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: **Medical Release Signed?** Yes ☐ No ☑

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth

OCC#179-14

(22) NARRATIVE OF INCIDENT:

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Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Friday, March 28, 2014

			1	7	9	-	1	4					

Complaint Against: Personnel ☑ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☑ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

(2) **Primary Complainant:** ☒ **Co-Complainant**

[redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

(3) **Personal Information**

Age: Date of Birth: [redacted]

Sex: F

Ethnicity: Guatemala

Occupation: retired

(4) **Telephone Numbers:**

Home: [redacted]

Work: ( )

(5) **Location of Occurrence:** Bernal Heights Park

(6) **Type of Place:** Park

(7) **District:** H

(8) **Day, Date, & Time Of Occurrence:** 3/21/14 **A.M. / P.M.** (Circle one)

(9) **Incident Report or Citation No:** 140 240 572

(10) **SECONDARY COMPLAINANT?** Yes ☒ No ☐ **Witnesses?** Yes ☐ No ☐ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☒ No ☐ **Criminal Case Pending in Relation to this matter?** Yes ☐ No ☒

(11) **Injuries Claimed?** Yes ☐ No ☐ **Injuries Visible?** Yes ☐ No ☐ **Drug/Alcohol Related?** Yes ☐ No ☒

Photos Taken? Yes ☐ No ☐ **By:** Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: **Medical Release Signed?** Yes ☐ No ☒

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

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Complainant Signature/Date:	Taken By (Name/#/Unit)/Date:
Assigned Investigator/Date:	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Thursday 3/27/14

0179-14

Complaint Against: Personnel [✓] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

2 **Primary Complainant:** [redacted] **Co-Complainant** [redacted]

Last Name [redacted] First Name [redacted] Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

3 **Personal Information**

Age: Date of Birth: [redacted]

Sex: F

Ethnicity: Mexicana

Occupation:

4 **Telephone Numbers:**

Home: ( ) [redacted]

Work: ( )

5 **Location of Occurrence:** Bernal Heights Park

6 **Type of Place** ~~Type~~ Park

7 **District** H

8 **Day, Date, & Time Of Occurrence:** 3/21/14

A.M. / P.M. (Circle one)

9 **Incident Report or Citation No** 140240512

10 **SECONDARY COMPLAINANT?** Yes [✓] No [ ] **Witnesses?** Yes [ ] No [X] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [✓] No [ ] **Criminal Case Pending in Relation to this matter?** Yes [ ] No [X]

11 **Injuries Claimed?** Yes [ ] No [X] **Injuries Visible?** Yes [ ] No [X] **Drug/Alcohol Related?** Yes [ ] No [X]

Photos Taken? Yes [ ] No [X] **By:** Photo Lab [ ] O.C.C. [ ] **Other:**

Type of Injury:

Medical Release Signed? Yes [ ] No [X]

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

OCC# 179-14

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT. Spanish

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-27-14
Assigned Investigator/Date: H. Calderon 3-27-14	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Wednesday 3-26-14

[ ][ ] 1 7 9 - 1 4 [ ][ ]

Complaint Against: Personnel [✓] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

2 **Primary Complainant:** ○ **Co-Complainant**

[redacted]

Last Name | First Name | Middle Initial

HOME ADDRESS: [redacted]

Street | Apartment

[redacted] [redacted] [redacted]

City | State | Zip

WORK ADDRESS:

Street | Apartment

City | State | Zip

3 **Personal Information**

Age: ____ Date of Birth: [redacted]

Sex: F

Ethnicity: Latina

Occupation: Legal assistant

4 **Telephone Numbers:**

Home: (C) [redacted]

Work: (____)

5 **Location of Occurrence:** Bernal Heights Park

6 **Type of Place:** Park

7 **District:** H

8 **Day, Date, & Time Of Occurrence:** Friday March 21, 2014 at 7:00 A.M. / P.M. (Circle one)

9 **Incident Report or Citation No**

10 **SECONDARY COMPLAINANT?** Yes [✓] No [ ] **Witnesses?** Yes [ ] No [✓] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [✓] No [ ] **Criminal Case Pending in Relation to this matter?** Yes [ ] No [✓]

11 **Injuries Claimed?** Yes [ ] No [✓] **Injuries Visible?** Yes [ ] No [✓] **Drug/Alcohol Related?** Yes [ ] No [✓]

Photos Taken? Yes [ ] No [✓] **By:** Photo Lab [ ] O.C.C. [ ] Other: ____

Type of Injury: **Medical Release Signed?** Yes [ ] No [✓]

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Wednesday March 26, 2014

[ ][ ] 1 7 9 - 1 4 [ ][ ]

Complaint Against: Personnel [✓] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)_____

(2) **Primary Complainant:** ○ **Co-Complainant**

[redacted]

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

Street Apartment

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:_____

Street Apartment

City State Zip

(3) **Personal Information**

Age:_____ Date of Birth: [redacted]

Sex: F

Ethnicity: Nicaragua

Occupation: Dir. Medicaid

(4) **Telephone Numbers:**

Home: (_____) [redacted]

Work: (_____)_____

(5) **Location of Occurrence:** Bernal Hill Park

(6) **Type of Place** Park

(7) **District** H

(8) **Day, Date, & Time Of Occurrence:** Friday 3-21-14 7:00

A.M. (P.M.) (Circle one)

(9) **Incident Report or Citation No**

(10) **SECONDARY COMPLAINANT?** Yes [✓] No [ ] **Witnesses?** Yes [ ] No [✓] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [✓] No [ ] **Criminal Case Pending in Relation to this matter?** Yes [ ] No [✓]

(11) **Injuries Claimed?** Yes [ ] No [✓] **Injuries Visible?** Yes [ ] No [✓] **Drug/Alcohol Related?** Yes [ ] No [✓]

Photos Taken? Yes [ ] No [✓] **By:** Photo Lab [ ] O.C.C. [ ] Other:_____

Type of Injury:

Medical Release Signed? Yes [ ] No [✓]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

OCC # 179-14

(22) NARRATIVE OF INCIDENT:

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☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT. SPANISH

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date:

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	CRD					SFPD ID Pending				

The co-complainants stated that the police department is covering up the fatal shooting and may have falsified official reports to cover up their misconduct. The department has been very "cagey" about disclosing information to the public and misrepresenting the facts to taint the case in the publics mind about Alejandro Nieto's character, his mental health status, and stating he was armed with a gun.

ALLEGATIONS:

1. Conduct Reflecting Discredit: For inappropriate behavior.

The co-complainant stated she attended City College with Alejandro Nieto. She stated Mr. Nieto was a peaceful man, an activist and a practicing Buddhist. Mr. Nieto volunteered at senior centers and was training to be a probation officer. She stated Mr. Nieto had a security guard card and had a permit for the Taser he carried for work. She stated he was wearing his security guard uniform when he was shot. The co-complainant stated that every Friday night before work, Mr. Nieto meditated in the park. She stated she last saw Mr. Nieto two weeks before he died. She stated the SFPD lied when they said Mr. Nieto was armed with a gun and was mentally ill.

Co-complainant [redacted] stated he believes the San Francisco Police Department is "covering up" the fatal shooting of Alejandro Niet, which occurred on March 21, 2014. He stated there have been too many delays, e.g., it took 36 hours for them to notify Nieto's next of kin. Co-complainant [redacted] stated he has spoken to neighbors who say they did not hear the four officers give any verbal warnings to Nieto before they shot him. Co-complainant [redacted] also wants to know why the police towed Nieto's car from his driveway and why they searched his room after he died. He also wants the results of the ballistics tests.

Co-complainant [redacted] stated he saw Nieto's family yesterday and they had many positive character references for Alejandro. Co-complainant [redacted] stated the police overreacted. They should have seen the yellow stripes on Nieto's Taser. Co-complainant [redacted] stated Nieto was probably afraid of the officers and was running away. He said that the Taser only shoots fifteen feet and the officers were seventy-five feet away, so it doesn't make any sense for Nieto to have pulled out his Taser. Co-complainant [redacted] wants an independent investigation of this shooting.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	CRD					SFPD ID Pending				

The co-complainants stated that the police department is covering up the fatal shooting and may have falsified official reports to cover up their misconduct. The department has been very "cagey" about disclosing information to the public and misrepresenting the facts to taint the case in the publics mind about Alejandro Nieto's character, his mental health status, and stating he was armed with a gun.

ALLEGATIONS:

1. Conduct Reflecting Discredit: For inappropriate behavior and comments.

POSTED 3/16/15

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	CRD					SFPD ID Pending				
	ND									
	CRD									

The co-complainants stated that the police department is covering up the fatal shooting and may have falsified official reports to cover up their misconduct. The department has been very "cagey" about disclosing information to the public and misrepresenting the facts to taint the case in the publics mind about Alejandro Nieto's character, his mental health status, and stating he was armed with a gun.

ALLEGATIONS:

1. Conduct Reflecting Discredit: For inappropriate behavior.
2. Neglect of Duty: For writing inaccurate report(s).
3. Conduct Reflecting Discredit: For misrepresenting the truth.

POSTED 10-29-14

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	ND		X			ID Pending	HOM			
	UA									
	UA									

The co-complainant stated that the police delayed the notification to the next of kin regarding the death of Alejandro Nieto and searched Nieto's room and car without explanation.

ALLEGATIONS:

1. Neglect of Duty: For failure to take required action.
2. Unwarranted Action: For the search of Nieto's room.
3. Unwarranted Action: For the tow of Nieto's car.

POSTED 10/16/17

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	ND	U		[redacted]						
	UA	U								
	UA	PC								

The co-complainant stated that the police delayed the notification to the next of kin regarding the death of Alejandro Nieto and searched Nieto's room and car without explanation.

ALLEGATIONS:

1. Neglect of Duty: For failure to take required action.
2. Unwarranted Action: For the search of Nieto's room.
3. Unwarranted Action: For the tow of Nieto's car.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	CRD					SFPD ID Pending				
	ND									
	CRD									
	ND									

The co-complainants stated that the police department is covering up the fatal shooting and may have falsified official reports to cover up their misconduct. The department has been very "cagey" about disclosing information to the public and misrepresenting the facts to taint the case in the publics mind about Alejandro Nieto's character, his mental health status, and stating he was armed with a gun.

Co-complainants stated that the officers used improper procedures/tactics in shooting.

ALLEGATIONS:

1. Conduct Reflecting Discredit: For inappropriate behavior.
2. Neglect of Duty: For writing inaccurate report(s).
3. Conduct Reflecting Discredit: For misrepresenting the truth.
4. Neglect of Duty: For failure to properly train officers.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANTS: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X		Q62	Jason Sawyer # 1127	3H104	[redacted]	M	W
	ND									
	ND									

The complainant and co-complainants stated the officers used excessive force when they shot and killed Alejandro Nieto. Co-complainant's stated that the officers did not investigate the call prior to shooting Nieto, did not recognize the yellow stripes on the Taser, and did not issue verbal warnings prior to shooting Nieto.

ALLEGATIONS:

1. Unnecessary Force: Use of excessive force.
2. Neglect of Duty: Failure to properly investigate.
3. Neglect of Duty: Failure to take required action.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANTS: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X		Q2	Richard Schiff # 1968	3H	[redacted]	M	W
	ND									
	ND									

The complainant and co-complainants stated the officers used excessive force when they shot and killed Alejandro Nieto. Co-complainant's stated that the officers did not investigate the call prior to shooting Nieto, did not recognize the yellow stripes on the Taser, and did not issue verbal warnings prior to shooting Nieto.

ALLEGATIONS:

1. Unnecessary Force: Use of excessive force.
2. Neglect of Duty: Failure to properly investigate.
3. Neglect of Duty: Failure to take required action.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANTS: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X		Q3	Roger Morse # 1923	3H15D	[redacted]	M	W
	ND									
	ND									

The complainant and co-complainants stated the officers used excessive force when they shot and killed Alejandro Nieto. Co-complainant's stated that the officers did not investigate the call prior to shooting Nieto, did not recognize the yellow stripes on the Taser, and did not issue verbal warnings prior to shooting Nieto.

ALLEGATIONS:

1. Unnecessary Force: Use of excessive force.
2. Neglect of Duty: Failure to properly investigate.
3. Neglect of Duty: Failure to take required action.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANTS: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X		Q2	Nathan L. Chew # 2088	3H15D	[redacted]	M	A
	ND									
	ND									

The complainant and co-complainants stated the officers used excessive force when they shot and killed Alejandro Nieto. Co-complainant's stated that the officers did not investigate the call prior to shooting Nieto, did not recognize the yellow stripes on the Taser, and did not issue verbal warnings prior to shooting Nieto.

ALLEGATIONS:

1. Unnecessary Force: Use of excessive force.
2. Neglect of Duty: Failure to properly investigate.
3. Neglect of Duty: Failure to take required action.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Friday, March 28, 2014

[ ][ ] 1 7 9 1 4 [ ][ ]

Complaint Against: Personnel ☑ Policy ☐ Procedure ☑

How Received: Person ☐ Phone ☐ Letter ☐ SFPD ☐ Mail-In ☐ Other ☒: (specify) FAX

(2) Primary Complainant: ○ Co-Complainant

[redacted] on behalf of

Last Name First Name Middle Initial

Alejandro Nieto

HOME ADDRESS: Street Apartment

City State Zip

WORK ADDRESS: [redacted]

City State Zip

(3) Personal Information

Age: 24 Date of Birth:

Sex: M

Ethnicity: Latino

Occupation: Security Guard/Student

(4) Telephone Numbers:

Home: ( )

Work: [redacted]

(5) Location of Occurrence: Bernal Heights Park

(6) Type of Place: Public Park

(7) District: H

(8) Day, Date, & Time Of Occurrence: March 21, 2014 @ 7pm A.M. (P.M.) (Circle one)

(9) Incident Report or Citation No: 140 240 512

(10) SECONDARY COMPLAINANT? Yes ☐ No ☐ Witnesses? Yes ☐ No ☐ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☐ No ☐ Criminal Case Pending in Relation to this matter? Yes ☐ No ☑

(11) Injuries Claimed? Yes ☑ No ☐ Injuries Visible? Yes ☑ No ☐ Drug/Alcohol Related? Yes ☐ No ☐

Photos Taken? Yes ☐ No ☐ By: Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: shooting death Medical Release Signed? Yes ☐ No ☐

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
			?	?		Officers' names are unknown, as SFPD has refused to release their names.			?	?

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

SFPD Officers shot and Killed Alejandro Nieto on Friday March 21st, 2014 at approximately 7pm.

Police were reportedly responding to a call about a man with a gun in his holster.

Officers arrived and confronted Mr. Nieto.

Mr. Nieto was shot multiple times and was not armed with a gun but A taser.

A taser he was lawfully Allowed to carry and used for his job as A security guard which he was intending to go to After he finished his meal.

Officers may have used: excessive force; improper procedure/tactics; And Falsified Official reports to cover up their misconduct

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☑ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

[redacted] 3/28/14	Taken By (Name/#/Unit)/Date:
Assigned Investigator/Date:	Closure Approval/Date:

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				
	ND									

ALLEGATIONS:

Unnecessary Force: For use of excessive force.
Neglect of Duty: For writing inaccurate report(s).

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1. Day, Date & Time Complaint Received: Wednesday, March 26, 2014

		1	7	9	1	4							

Complaint Against: Personnel ☑ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☑ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

2. [redacted] nant

Last Name [redacted] First Name Middle Initial

HOME ADDRESS: [redacted] Street Apartment

[redacted] City [redacted] State [redacted] Zip

WORK ADDRESS: Street Apartment

City State Zip

3. Personal Information

Age: Date of Birth: [redacted]

Sex: M

Ethnicity: Chicano

Occupation: United Airlines

4. Telephone Numbers:

Home: [redacted]

Work: ( )

5. Location of Occurrence: Northside of Bernal Hill

6. Type of Place: 05

7. District: H

8. Day, Date, & Time Of Occurrence: Friday March 21, 2014 7:10 A.M. / (P.M.) (Circle one)

9. Incident Report or Citation No

10. SECONDARY COMPLAINANT? Yes ☐ No ☑ Witnesses? Yes ☐ No ☑ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☑ No ☐ Criminal Case Pending in Relation to this matter? Yes ☐ No ☑

11. Injuries Claimed? Yes ☐ No ☑ Injuries Visible? Yes ☐ No ☑ Drug/Alcohol Related? Yes ☐ No ☑

Photos Taken? Yes ☐ No ☑ By: Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: Medical Release Signed? Yes ☐ No ☑

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth

SFDPA - 0179-14 - 000037

OCC#179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Wednesday 3-26-14

[ ][ ]-[1][7][9]-[1][4][ ][ ]

Complaint Against: Personnel ✓ Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ]: (specify)

2 **Primary Complainant:** [X] **Co-Complainant**

[redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

3 **Personal Information**

Age: Date of Birth: [redacted]

Sex: F

Ethnicity: Latina

Occupation: Legal assistant

4 **Telephone Numbers:**

Home: (C) [redacted]

Work: ( )

5 **Location of Occurrence:** Bernal Heights Park

6 **Type of Place** Park

7 **District** H

8 **Day, Date, & Time Of Occurrence:** Friday March 21, 2014 at 7:00 A.M. / P.M. (Circle one)

9 **Incident Report or Citation No**

10 **SECONDARY COMPLAINANT?** Yes [✓] No [ ] **Witnesses?** Yes [ ] No [✓] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [✓] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [✓]

11 Injuries Claimed? Yes [ ] No [✓] Injuries Visible? Yes [ ] No [✓] Drug/Alcohol Related? Yes [ ] No [✓]

Photos Taken? Yes [ ] No [✓] By: Photo Lab [ ] O.C.C. [ ] Other:

Type of Injury: Medical Release Signed? Yes [ ] No [✓]

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

OCC#179-14

(22) NARRATIVE OF INCIDENT:

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ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date:

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				

The co-complainant stated that she is complaining about the excessive use of force used on her friend Alejandro Nieto.

ALLEGATION:

Unnecessary Force: Use of excessive force.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				

The complainant stated that he is complaining about the excessive use of force used against a neighbor, known as "Nieto", who was shot down by police. The complainant stated that he did not witness the incident but learned about the incident at the town hall meeting. The complainant stated that a neighbor was alarmed and called police when he saw that Nieto had a holster on his waist and thought he had a gun. The complainant stated Nieto was a security guard at a nightclub that required him to carry a taser. The complainant stated that the police have lost their professionalism in policing the neighborhood and believes there is no room for excessive force.

ALLEGATION:

Unnecessary Force: Use of excessive force.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1. Day, Date & Time Complaint Received: Wednesday March 26, 2014 — [ ][ ] 1 7 9 1 4 [ ][ ]

Complaint Against: Personnel [✓] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ]: (specify) _____

2. **Primary Complainant:** [X] **Co-Complainant**

[redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS: _____
Street Apartment

City State Zip

3. **Personal Information**

Age: ____ Date of Birth: [redacted]

Sex: F

Ethnicity: Nicaragua

Occupation: Dir. Medicaid

4. **Telephone Numbers:**

Home: (____) [redacted]

Work: (____) _____

5. **Location of Occurrence:** Bernal Hill Park

6. **Type of Place:** Park

7. **District:** H

8. **Day, Date, & Time Of Occurrence:** Friday 3-21-14 5:00 A.M. (P.M.) (Circle one)

9. **Incident Report or Citation No**

10. **SECONDARY COMPLAINANT?** Yes [✓] No [ ] **Witnesses?** Yes [ ] No [✓] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [✓] No [ ] **Criminal Case Pending in Relation to this matter?** Yes [ ] No [✓]

11. **Injuries Claimed?** Yes [ ] No [✓] **Injuries Visible?** Yes [ ] No [✓] **Drug/Alcohol Related?** Yes [ ] No [✓]

Photos Taken? Yes [ ] No [✓] By: Photo Lab [ ] O.C.C. [ ] Other: _____

Type of Injury: Medical Release Signed? Yes [ ] No [✓]

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT. SPANISH

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date:

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				

The co-complainant stated that she is complaining about the officers who shot Alejandro Nieto.

ALLEGATION:

Unnecessary Force: Use of excessive force.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Thursday 3/27/14

[ ][ ] 1 7 9 1 4 [ ][ ]

Complaint Against: Personnel [X] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [X] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)_____

(2) Primary Complainant: [X] Co-Complainant

[redacted]

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

Street Apartment

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:_____

Street Apartment

City State Zip

(3) Personal Information

Age:____ Date of Birth: [redacted]

Sex: F

Ethnicity: Mexicana

Occupation:_____

(4) Telepho[redacted]

Home: (____)_____

Work: (____)_____

(5) Location of Occurrence: Bernal Heights Park

(6) Type of Place: Park

(7) District: H

(8) Day, Date, & Time Of Occurrence: 3/21/14 A.M. / P.M. (Circle one)

(9) Incident Report or Citation No: 140240512

(10) SECONDARY COMPLAINANT? Yes [X] No [ ] Witnesses? Yes [ ] No [X] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [X]

(11) Injuries Claimed? Yes [ ] No [X] Injuries Visible? Yes [ ] No [X] Drug/Alcohol Related? Yes [ ] No [X]

Photos Taken? Yes [ ] No [X] By: Photo Lab [ ] O.C.C. [ ] Other:_____

Type of Injury: Medical Release Signed? Yes [ ] No [X]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

SFDPA - 0179-14 - 000046

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT. Spanish

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-27-14
Assigned Investigator/Date: H. Calderon 3-27-14	Closure Approval/Date:

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				

The co-complainant stated that she is complaining about the officers who shot Alejandro Nieto.

ALLEGATION:

Unnecessary Force: Use of excessive force.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Thurs 3/27/14 2:15 PM

[ ][ ] / [1][7] / [9][1][4] [ ][ ]

Complaint Against: Personnel [X] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [X] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ]: (specify) _____

(2) **Primary Complainant:** ● **Co-Complainant**

[redacted]
Last Name / First Name / Middle Initial

HOME ADDRESS: [redacted]
Street / Apartment

[redacted] / [redacted] / [redacted]
City / State / Zip

WORK ADDRESS: _____
Street / Apartment

City / State / Zip

(3) **Personal Information**

Age: ____ Date of Birth: [redacted]

Sex: M

Ethnicity: Latino

Occupation: _____

(4) **Telephone Numbers:**

Home: [redacted]

Work: (____) _____

(5) **Location of Occurrence:** Bernal Heights Park

(6) **Type of Place** Park

(7) **District** H

(8) **Day, Date, & Time Of Occurrence:** 3/21/14 **A.M. / P.M.** (Circle one)

(9) **Incident Report or Citation No** 140240512

(10) **SECONDARY COMPLAINANT?** Yes [X] No [ ] **Witnesses?** Yes [ ] No [X] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [X]

(11) Injuries Claimed? Yes [ ] No [ ] Injuries Visible? Yes [ ] No [ ] Drug/Alcohol Related? Yes [ ] No [X]

Photos Taken? Yes [ ] No [ ] By: Photo Lab [ ] O.C.C. [ ] Other: _____

Type of Injury: Medical Release Signed? Yes [ ] No [X]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: M. Ivas 3/27/14
Assigned Investigator/Date:	Closure Approval/Date:

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	CRD		X			ID Pending				
	ND									
	UA									
	UA									

The co-complainant stated that he is complaining about the officers covering up the fatal shooting, the delay of notification to the next of kin, failure to recognize the yellow stripes on the Taser, and that no verbal warning was given to Nieto prior to shooting him. The co-complainant is also complaining about the search of Nieto's room and the tow of Nieto's car.

ALLEGATIONS:

Conduct Reflecting Discredit: For inappropriate behavior.
Neglect of Duty: For failure to take required action.
Unwarranted Action: For the search of Nieto's room.
Unwarranted Action: For the tow of Nieto's car.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1. Day, Date & Time Complaint Received: Thurs 3/27/14 9:15 AM

[ ] [ ] 1 7 9 1 4 [ ] [ ]

Complaint Against: Personnel [X] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [X] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify) _____

2. **Primary Complainant:** ● **Co-Complainant**

[redacted]

Last Name | First Name | Middle Initial

HOME ADDRESS: [redacted] Street | Apartment

[redacted] City | [redacted] State | [redacted] Zip

WORK ADDRESS: _____ Street | Apartment

City | State | Zip

3. **Personal Information**

Age: 28 Date of Birth: [redacted]

Sex: F

Ethnicity: H

Occupation: student

4. **Telephone Numbers:**

Home: [redacted]

Work: (____) _____

5. **Location of Occurrence:** Bernal Heights Park

6. **Type of Place:** public park

7. **District:** H

8. **Day, Date, & Time Of Occurrence:** Friday 3/21/14 **A.M. / P.M.** (Circle one)

9. **Incident Report or Citation No:** 140 240512

10. **SECONDARY COMPLAINANT?** Yes [X] No [ ] **Witnesses?** Yes [ ] No [ ] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [X]

11. Injuries Claimed? Yes [ ] No [ ] Injuries Visible? Yes [ ] No [ ] Drug/Alcohol Related? Yes [ ] No [X]

Photos Taken? Yes [ ] No [X] By: Photo Lab [ ] O.C.C. [ ] Other: _____

Type of Injury: Medical Release Signed? Yes [ ] No [X]

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: Inv. Mary Ivas 3/27/14
Assigned Investigator/Date:	Closure Approval/Date:

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	CRD		X			ID Pending				

The co-complainant stated that she is complaining about the officers misrepresenting the truth regarding Alejandro Nieto's mental health status and that he was armed with a gun.

ALLEGATION:

Conduct Reflecting Discredit: For misrepresenting the truth.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Friday, March 28, 2014

[ ][ ] 1 7 9 1 f [ ][ ]

Complaint Against: Personnel ✓ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ✓ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)_____

2 Primary Complainant: [redacted] Co-Complainant [redacted]

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

Street Apartment

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:_____

Street Apartment

City State Zip

3 Personal Information

Age:____ Date of Birth: [redacted]

Sex: F

Ethnicity: Mexican

Occupation: Writer/Legal research

4 Telephone Numbers:

Home: [redacted]

Work: (____)_____

5 Location of Occurrence: Bernal Hill Park

6 Type of Place: Park

7 District: f1

8 Day, Date, & Time Of Occurrence: 3/21/14 ✓ 7:10 A.M. / P.M. (Circle one)

9 Incident Report or Citation No: 140240512

10 SECONDARY COMPLAINANT? Yes ✓ No ☐ Witnesses? Yes ☐ No ✓ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ✓ No ☐ Criminal Case Pending in Relation to this matter? Yes ☐ No ✓

11 Injuries Claimed? Yes ☐ No ✓ Injuries Visible? Yes ☐ No ✓ Drug/Alcohol Related? Yes ☐ No ✓

Photos Taken? Yes ☐ No ✓ By: Photo Lab ☐ O.C.C. ☐ Other:_____

Type of Injury: Medical Release Signed? Yes ☐ No ✓

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3/28/14
Assigned Investigator/Date:	Closure Approval/Date:

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				
	CRD									

The co-complainant stated that she is complaining about the excessive use of force causing the death of Alejandro Nieto. She is also complaining about the police tainting Alejandro's character without clarifying the reasons and relevance to incident. The co-complainant stated the SFPD has been very "cagey" about disclosing information to the public and misrepresenting the facts to taint the case in the publics mind about Alejandro.

ALLEGATIONS:

- Unnecessary Force: Use of excessive force
- Conduct Reflecting Discredit: For inappropriate behavior and comments.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Friday, March 28, 2014

[ ] - [ ] [1] [7] [9] - [1] [4] - [ ] [ ]

Complaint Against: Personnel [X] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

(2) **Primary Complainant:** [X] **Co-Complainant**

[redacted]
Last Name | First Name | Middle Initial

HOME ADDRESS: [redacted]
Street | Apartment

[redacted] | [redacted] | [redacted]
City | State | Zip

WORK ADDRESS:
Street | Apartment

City | State | Zip

(3) **Personal Information**

Age: ____ Date of Birth: [redacted]

Sex: F

Ethnicity: Guatemala

Occupation: retired

(4) **Telephone Numbers:**

Home: [redacted]

Work: (____) _____

(5) **Location of Occurrence:** Bernal Heights Park

(6) **Type of Place:** Park

(7) **District:** H

(8) **Day, Date, & Time Of Occurrence:** 3/21/14

A.M. / P.M. (Circle one)

(9) **Incident Report or Citation No:** 140 240 572

(10) **SECONDARY COMPLAINANT?** Yes [X] No [ ] **Witnesses?** Yes [ ] No [ ] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [X]

(11) Injuries Claimed? Yes [ ] No [ ] Injuries Visible? Yes [ ] No [ ] Drug/Alcohol Related? Yes [ ] No [X]

Photos Taken? Yes [ ] No [ ] By: Photo Lab [ ] O.C.C. [ ] Other: _____

Type of Injury: Medical Release Signed? Yes [ ] No [X]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

(22) NARRATIVE OF INCIDENT:

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date:
Assigned Investigator/Date:	Closure Approval/Date:

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				

The co-complainant stated that she is complaining about the officers who shot Alejandro Nieto.

ALLEGATION:

Unnecessary Force: Use of excessive force.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1. Day, Date & Time Complaint Received: Friday, March 28, 2014

		1	7	9	1	4		

Complaint Against: Personnel ☑ Policy ☐ Procedure ☑

How Received: Person ☐ Phone ☐ Letter ☐ SFPD ☐ Mail-in ☐ Other ☒: (specify) FAX

2. Primary Complainant: ○ Co-Complainant

[redacted] on behalf of

Last Name First Name Middle Initial

Alejandro Nieto

HOME ADDRESS: Street Apartment

City State Zip

WORK ADDRESS: [redacted] Street Apartment

[redacted] [redacted] [redacted]

City State Zip

3. Personal Information

Age: 24 Date of Birth:

Sex: M

Ethnicity: Latino

Occupation: Security Guard/Student

4. Telephone Numbers:

Home: ( )

Work: [redacted]

5. Location of Occurrence: Bernal Heights Park

6. Type of Place: Public Park

7. District: H

8. Day, Date, & Time Of Occurrence: March 21, 2014 @ 7pm A.M. (P.M.) (Circle one)

9. Incident Report or Citation No: 140 240 512

10. SECONDARY COMPLAINANT? Yes ☐ No ☐ Witnesses? Yes ☐ No ☐ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☐ No ☐ Criminal Case Pending In Relation to this matter? Yes ☐ No ☑

11. Injuries Claimed? Yes ☑ No ☐ Injuries Visible? Yes ☑ No ☐ Drug/Alcohol Related? Yes ☐ No ☐

Photos Taken? Yes ☐ No ☐ By: Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: shooting death Medical Release Signed? Yes ☐ No ☐

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
			?	?		Officers' names are unknown, as SFPD has refused to release their names.			?	?

POSTED 3/31/14

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

SFPD Officers shot and killed Alejandro Nieto on Friday March 21st, 2014 at approximately 7pm.

Police were reportedly responding to a call about a man with a gun in his holster.

Officers arrived and confronted Mr. Nieto.

Mr. Nieto was shot multiple times and was not armed with a gun but A taser.

A taser he was lawfully Allowed to carry and used for his job as A security guard which he was intending to go to After he finished his meal.

Officers may have used: excessive force; improper procedure/tactics; And Falsified Official reports to cover up their misconduct.

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☑ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT. ☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date: [redacted] 3/28/14	Taken By (Name/#/Unit)/Date:
Assigned Investigator/Date:	Closure Approval/Date:

SFDPA - 0179-14 - 000062

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				
	ND									

ALLEGATIONS:

Unnecessary Force: For use of excessive force.
Neglect of Duty: For writing inaccurate report(s).

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Thursday 3/27/14

[ ][ ] 1 7 9 1 4 [ ][ ]

Complaint Against: Personnel [✓] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

(2) Primary Complainant: [redacted] [redacted] Co-Complainant

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

Street Apartment

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:

Street Apartment

City State Zip

(3) Personal Information

Age: Date of Birth: [redacted]

Sex: F

Ethnicity: Mexicana

Occupation:

(4) Telephone Numbers:

Home: ( ) [redacted]

Work: ( )

(5) Location of Occurrence: Bernal Heights Park

(6) Type of Place: Park

(7) District: H

(8) Day, Date, & Time Of Occurrence: 3/21/14 A.M. / P.M. (Circle one)

(9) Incident Report or Citation No: 140240512

(10) SECONDARY COMPLAINANT? Yes [✓] No [ ] Witnesses? Yes [ ] No [X] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [✓] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [X]

(11) Injuries Claimed? Yes [ ] No [X] Injuries Visible? Yes [ ] No [X] Drug/Alcohol Related? Yes [ ] No [X]

Photos Taken? Yes [ ] No [X] By: Photo Lab [ ] O.C.C. [ ] Other:

Type of Injury: Medical Release Signed? Yes [ ] No [X]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

POSTED 3/31/14

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT. Spanish

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-27-14
Assigned Investigator/Date: H. Calderon 3-27-14	Closure Approval/Date:

SFDPA - 0179-14 - 000065

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				

The co-complainant stated that she is complaining about the officers who shot Alejandro Nieto.

ALLEGATION:

Unnecessary Force: Use of excessive force.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Thurs 3/27/14 2:15 PM

[ ][ ]-[ ][ ]-[1][7]-[9][ ]-[1][4]-[ ][ ]

Complaint Against: Personnel [X] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [X] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

(2) **Primary Complainant:** ● **Co-Complainant**

[redacted]
Last Name / First Name / Middle Initial

HOME ADDRESS: [redacted]
Street / Apartment

[redacted] / [redacted] / [redacted]
City / State / Zip

WORK ADDRESS:
Street / Apartment

City / State / Zip

(3) **Personal Information**

Age: ____ Date of Birth: [redacted]

Sex: M

Ethnicity: Latino

Occupation:

(4) **Telephone Numbers:**

Home: [redacted]

Work: (____)

(5) **Location of Occurrence:** Bernal Heights Park

(6) **Type of Place** Park

(7) **District** H

(8) **Day, Date, & Time Of Occurrence:** 3/21/14

A.M. / P.M. (Circle one)

(9) **Incident Report or Citation No** 140240512

(10) **SECONDARY COMPLAINANT?** Yes [X] No [ ] **Witnesses?** Yes [ ] No [X] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] **Criminal Case Pending in Relation to this matter?** Yes [ ] No [X]

(11) **Injuries Claimed?** Yes [ ] No [ ] **Injuries Visible?** Yes [ ] No [ ] **Drug/Alcohol Related?** Yes [ ] No [X]

Photos Taken? Yes [ ] No [ ] **By:** Photo Lab [ ] O.C.C. [ ] Other:

Type of Injury:

Medical Release Signed? Yes [ ] No [X]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See AF				

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: M. Ivas 3/27/14
Assigned Investigator/Date:	Closure Approval/Date:

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	CRD		X			ID Pending				
	ND									
	UA									
	UA									

The co-complainant stated that he is complaining about the officers covering up the fatal shooting, the delay of notification to the next of kin, failure to recognize the yellow stripes on the Taser, and that no verbal warning was given to Nieto prior to shooting him. The co-complainant is also complaining about the search of Nieto's room and the tow of Nieto's car.

ALLEGATIONS:

Conduct Reflecting Discredit: For inappropriate behavior.
Neglect of Duty: For failure to take required action.
Unwarranted Action: For the search of Nieto's room.
Unwarranted Action: For the tow of Nieto's car.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Thurs 3/27/14 9:15 AM

		1	7	9	1	4							

Complaint Against: Personnel [X] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [X] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

2 **Primary Complainant:** ● **Co-Complainant**

[redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

3 **Personal Information**

Age: 28 Date of Birth: [redacted]

Sex: F

Ethnicity: H

Occupation: student

4 **Telephone Numbers:**

Home: [redacted]

Work: ( )

5 **Location of Occurrence:** Bernal Heights Park

6 **Type of Place:** public park

7 **District:** H

8 **Day, Date, & Time Of Occurrence:** Friday 3/21/14 A.M. / P.M. (Circle one)

9 **Incident Report or Citation No:** 140 240512

10 **SECONDARY COMPLAINANT?** Yes [X] No [ ] **Witnesses?** Yes [ ] No [ ] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [X]

11 Injuries Claimed? Yes [ ] No [ ] Injuries Visible? Yes [ ] No [ ] Drug/Alcohol Related? Yes [ ] No [X]

Photos Taken? Yes [ ] No [X] By: Photo Lab [ ] O.C.C. [ ] Other:

Type of Injury: Medical Release Signed? Yes [ ] No [X]

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: Inv. Mary I Vas 3/27/14
Assigned Investigator/Date:	Closure Approval/Date:

SFDPA - 0179-14 - 000071

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	CRD		X			ID Pending				

The co-complainant stated that she is complaining about the officers misrepresenting the truth regarding Alejandro Nieto's mental health status and that he was armed with a gun.

ALLEGATION:

Conduct Reflecting Discredit: For misrepresenting the truth.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Friday, March 28, 2014

[ ][ ]-[1][7][9]-[1][4]-[ ][ ]

Complaint Against: Personnel ☑ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☑ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

2 Primary Complainant: [redacted] Co-Complainant

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

Street Apartment

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:

Street Apartment

City State Zip

3 Personal Information

Age: Date of Birth: [redacted]

Sex: F

Ethnicity: Mexican

Occupation: Writer/Legal research

4 Telephone Numbers:

Home: ( ) [redacted]

Work: ( )

5 Location of Occurrence: Bernal Hill Park

6 Type of Place: Park

7 District: 11

8 Day, Date, & Time Of Occurrence: 3/21/14 ✓ 7:10 A.M. / P.M. (Circle one)

9 Incident Report or Citation No: 140240512

10 SECONDARY COMPLAINANT? Yes ☑ No ☐ Witnesses? Yes ☐ No ☑ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☑ No ☐ Criminal Case Pending in Relation to this matter? Yes ☐ No ☒

11 Injuries Claimed? Yes ☐ No ☒ Injuries Visible? Yes ☐ No ☒ Drug/Alcohol Related? Yes ☐ No ☒

Photos Taken? Yes ☐ No ☒ By: Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: Medical Release Signed? Yes ☐ No ☒

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3/28/14
Assigned Investigator/Date:	Closure Approval/Date:

O[redacted] ALLEGATION CONTINUATION F[redacted]M

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				
	CRD									

The co-complainant stated that she is complaining about the excessive use of force causing the death of Alejandro Nieto. She is also complaining about the police tainting Alejandro's character without clarifying the reasons and relevance to incident. The co-complainant stated the SFPD has been very "cagey" about disclosing information to the public and misrepresenting the facts to taint the case in the publics mind about Alejandro.

ALLEGATIONS:

- Unnecessary Force: Use of excessive force
- Conduct Reflecting Discredit: For inappropriate behavior and comments.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Friday, March 28, 2014

		1	7	9	1	4		

Complaint Against: Personnel ☑ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☑ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

2 **Primary Complainant:** ☒ **Co-Complainant**

[redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

3 **Personal Information**

Age: ____ Date of Birth: [redacted]

Sex: F

Ethnicity: Guatemala

Occupation: Retired

4 **Telephone Numbers:**

Home: [redacted]

Work: (____)

5 **Location of Occurrence:** Bernal Heights Park

6 **Type of Place** Park

7 **District** H

8 **Day, Date, & Time Of Occurrence:** 3/21/14 A.M. / P.M. (Circle one)

9 **Incident Report or Citation No** 140 240 572

10 **SECONDARY COMPLAINANT?** Yes ☒ No ☐ **Witnesses?** Yes ☐ No ☐ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☒ No ☐ **Criminal Case Pending in Relation to this matter?** Yes ☐ No ☒

11 **Injuries Claimed?** Yes ☐ No ☒ **Injuries Visible?** Yes ☐ No ☐ **Drug/Alcohol Related?** Yes ☐ No ☒

Photos Taken? Yes ☐ No ☐ **By:** Photo Lab ☐ O.C.C. ☐ Other: ____

Type of Injury: **Medical Release Signed?** Yes ☐ No ☒

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

(22) NARRATIVE OF INCIDENT:

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date:
Assigned Investigator/Date:	Closure Approval/Date:

C[redacted] ALLEGATION CONTINUATION F[redacted]M

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				

The co-complainant stated that she is complaining about the officers who shot Alejandro Nieto.

ALLEGATION:

Unnecessary Force: Use of excessive force.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Thurs 3/27/14

Complaint Against: Personnel [X] Policy [X] Procedure [ ]

How Received: Person [ ] Phone [X] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

		1	7	9	1	4		

(2) **Primary Complainant:** [X] **Co-Complainant**

[redacted] [redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

(3) **Personal Information**

Age: 38 Date of Birth: [redacted]

Sex: M

Ethnicity: Latino

Occupation:

(4) **Telephone Numbers:**

Home [redacted]

Work: ( )

(5) **Location of Occurrence:** Bernal Heights Park

(6) **Type of Place** Park

(7) **District** H

(8) **Day, Date, & Time Of Occurrence:** 3/21/14 **A.M. / P.M.** (Circle one)

(9) **Incident Report or Citation No** 140 240 572

(10) **SECONDARY COMPLAINANT?** Yes [X] No [ ] **Witnesses?** Yes [ ] No [X] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] **Criminal Case Pending in Relation to this matter?** Yes [ ] No [X]

(11) **Injuries Claimed?** Yes [ ] No [ ] **Injuries Visible?** Yes [ ] No [ ] **Drug/Alcohol Related?** Yes [ ] No [X]

Photos Taken? Yes [ ] No [ ] **By:** Photo Lab [ ] O.C.C. [ ] **Other:**

Type of Injury: **Medical Release Signed?** Yes [ ] No [X]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth

4/1/14

SFDPA - 0179-14 - 000079

OCC # 179-14

(22) NARRATIVE OF INCIDENT:

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: Mary Ivs 3/27/14
Assigned Investigator/Date:	Closure Approval/Date:

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	ND		X			ID Pending				
	UF									
	ND									

The co-complainant stated that officers should have done some investigating prior to shooting Nieto and should learn to shoot people in the feet, not kill them. He also stated that children who play on the hill will always be reminded that police killed someone there.

ALLEGATIONS:

- Neglect of Duty: For failure to properly investigate the incident prior to the use of force.
- Unnecessary Force: Use of excessive Force.
- Neglect of Duty: For failure to properly training officers. (Shooting tactics)

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Wednesday, March 26, 2014 — [ ][ ] 1 7 9 1 4 [ ][ ]

Complaint Against: Personnel [✓] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)_____

(2) Primary Complainant: ○ Co-Complainant

[redacted]

Last Name — Middle Initial

HOME ADDRESS: [redacted] Street — Apartment

City — State — Zip

WORK ADDRESS:_____ Street — Apartment

City — State — Zip

(3) Personal Information

Age:____ Date of Birth: [redacted]

Sex: M

Ethnicity: Chicano

Occupation: United Airlines

(4) Telephone Numbers:

Home: [redacted]

Work: (____)_____

(5) Location of Occurrence: Northside of Bernal Hill

(6) Type of Place: 05

(7) District: H

(8) Day, Date, & Time Of Occurrence: Friday March 21, 2014 7:10 — A.M. / (P.M.) (Circle one)

(9) Incident Report or Citation No

(10) SECONDARY COMPLAINANT? Yes [ ] No [✓] Witnesses? Yes [ ] No [✓] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [✓] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [✓]

(11) Injuries Claimed? Yes [ ] No [✓] Injuries Visible? Yes [ ] No [✓] Drug/Alcohol Related? Yes [ ] No [✓]

Photos Taken? Yes [ ] No [✓] By: Photo Lab [ ] O.C.C. [ ] Other:_____

Type of Injury: Medical Release Signed? Yes [ ] No [✓]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth

POSTED 3-27-14

OCC#179-14

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☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received: Wednesday 3-26-14

179 14

Complaint Against: Personnel ☑ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☑ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

2 **Primary Complainant:** ☒ **Co-Complainant**

[redacted]

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

Street Apartment

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:

Street Apartment

City State Zip

3 **Personal Information**

Age: Date of Birth: [redacted]

Sex: F

Ethnicity: Latina

Occupation: Legal assistant

4 **Telephone Numbers:**

Home: (C) [redacted]

Work: ( )

5 Location of Occurrence: Bernal Heights Park

6 Type of Place: Park

7 District: H

8 Day, Date, & Time Of Occurrence: Friday March 21, 2014 at 7:00 A.M. / P.M. (Circle one)

9 Incident Report or Citation No

10 SECONDARY COMPLAINANT? Yes ☑ No ☐ Witnesses? Yes ☐ No ☑ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☑ No ☐ Criminal Case Pending in Relation to this matter? Yes ☐ No ☑

11 Injuries Claimed? Yes ☐ No ☑ Injuries Visible? Yes ☐ No ☑ Drug/Alcohol Related? Yes ☐ No ☑

Photos Taken? Yes ☐ No ☑ By: Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: Medical Release Signed? Yes ☐ No ☑

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

POSTED 3-27-14

OCC# 179-14

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Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date:

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1. Day, Date & Time Complaint Received: Wednesday March 26, 2014

[ ][ ] 1 7 9 1 4 [ ][ ]

Complaint Against: Personnel [✓] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

2. **Primary Complainant:** [X] **Co-Complainant**

[redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street

[redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

3. **Personal Information**

Age: Date of Birth: [redacted]

Sex: F

Ethnicity: Nicaragua

Occupation: Dir. Medicaid

4. **Telephone Numbers:**

Home: ( ) [redacted]

Work: ( )

5. **Location of Occurrence:** Bernal Hill Park

6. **Type of Place:** Park

7. **District:** H

8. **Day, Date, & Time Of Occurrence:** Friday 3-21-14 9:00 A.M. (P.M.) (Circle one)

9. **Incident Report or Citation No**

10. **SECONDARY COMPLAINANT?** Yes [✓] No [ ] **Witnesses?** Yes [ ] No [✓] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [✓] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [✓]

11. Injuries Claimed? Yes [ ] No [✓] Injuries Visible? Yes [ ] No [✓] Drug/Alcohol Related? Yes [ ] No [✓]

Photos Taken? Yes [ ] No [✓] By: Photo Lab [ ] O.C.C. [ ] Other:

Type of Injury: Medical Release Signed? Yes [ ] No [✓]

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

POSTED 3/27/14

OCC # 179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT. SPANISH

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date:

REPORT

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				

The complainant stated that he is complaining about the excessive use of force used against a neighbor, known as "Nieto", who was shot down by police. The complainant stated that he did not witness the incident but learned about the incident at the town hall meeting. The complainant stated that a neighbor was alarmed and called police when he saw that Nieto had a holster on his waist and thought he had a gun. The complainant stated Nieto was a security guard at a nightclub that required him to carry a taser. The complainant stated that the police have lost their professionalism in policing the neighborhood and believes there is no room for excessive force.

ALLEGATION:

Unnecessary Force: Use of excessive force.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				

The co-complainant stated that she is complaining about the excessive use of force used on her friend Alejandro Nieto.

ALLEGATION:

Unnecessary Force: Use of excessive force.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF		X			ID Pending				

The co-complainant stated that she is complaining about the officers who shot Alejandro Nieto.

ALLEGATION:

Unnecessary Force: Use of excessive force.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/26/14 DATE OF COMPLETION: 08.13.2015 Page 1 of 20

Lieutenant Jason Sawyer #1127[1], Officers Nathan Chew #2088, Roger Morse #1923, and Richard Schiff #1968
SUMMARY OF ALLEGATIONS #1-4: The officers used unnecessary force by discharging their firearm.

CATEGORY OF CONDUCT: UF FINDING: PC DEPT. ACTION:

FINDINGS OF FACT: The complainants learned of the officer-involved shooting where officers used deadly force against an individual ("decedent"), who was armed only with a Taser. The complainants alleged the named officers shot and killed the decedent while he was at a park and that he had planned on reporting to work after eating his meal at the park. The complainants stated that the decedent was lawfully allowed to carry and use a Taser for his job as a security guard. The complainants stated the officers used excessive force and improper tactics on the decedent.

Records from the Department of Emergency Management (DEM)

Records from the San Francisco Department of Emergency Management (DEM) show that at 7:11 p.m., a male called 9-1-1 to report that he had encountered a suspect [decedent], a Latin male adult, at a neighborhood park on the north side of the hill with a black handgun on his hip. The caller provided a description of the suspect and the suspect's clothing. He reported the suspect was pacing back and forth by a chain link fence near a bench and eating food but resting his hand on the gun. The first unit on scene, at 7:18 p.m., located the suspect and stated, "I got a guy right here." Approximately 22 seconds later, the first unit broadcast a "Code 33" to clear the channel for an emergency. Two seconds later, the first unit broadcast that shots had been fired and requested a code 33. The first unit reported at 7:19 p.m., that there had been an officer-involved shooting and requested that an ambulance respond immediately. The unit advised that none of the officers had been injured; however, the suspect was down and had been shot.

A second caller called 9-1-1 at approximately 7:19 p.m., stating shots were being fired and he was running from the location. The second caller reported that about five minutes prior, he had passed a suspect at the top of the hill in the park who was wearing a red 49er jacket, a 49er hat, and had a gun in a holster. The caller described the suspect as Hispanic in his mid-twenties. The caller stated there were other people at the park who were concerned about the suspect in the park.

[1] Hereafter, the lieutenant is referred to as "sergeant," his rank at the time of the incident.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

Civilian Witnesses

Witness #1 stated he was walking with [redacted], Witness #2, and their dogs on the west portion of the hill when they observed a man [decedent] that was acting erratic, pacing back and forth, and talking to himself. As they got closer to the man, they noticed he had a gun on his hip. The witness stated the man made a point to pull up his red jacket and show them the holstered gun on his hip. The man never pulled the gun out but kept putting his hand on the gun several times moving it back and forth and resting his hand on top of the gun. The witness stated the man's actions were alarming enough to call 9-1-1. Witness #1 stated [redacted] dialed 9-1-1 and relayed what they had seen to the dispatcher, while the man continued to pace back and forth, talking to himself and "shadow boxing." He did not recall what the man was saying. The witness stated the dispatcher encouraged [redacted] to remain on the line. At one point, several people who had passed them on the hill asked if they had seen the man with the gun. The witness stated they finally got down the hill and it looked like the man was now walking towards them so they headed toward their car. The witness stated he then heard gunfire, although he did not know how many rounds were fired. The witness stated the fact that the man made it a point to flash his holstered gun at them and the fact that he was pacing back and forth, shadow boxing, and talking to himself while there was nobody around him, seemed alarming. The witness stated that if he had to do it again, he would call 9-1-1 again, although he did regret that the man was shot and killed.

Witness #2 stated he and [redacted], Witness #1, were walking with their dogs down the hill and passed a guy [decedent]. [redacted] turned to him and asked him if he had seen that the guy had a gun and was acting oddly. The witness stated [redacted] told him the guy was acting "really weird," that he definitely had a gun on his hip, and that the guy kept putting his hands on the gun and touching it. Witness #2 stated [redacted] assured him that the guy had a "black pistol" on his hip. Witness #2 stated they decided to call 9-1-1 and he walked off to the side of the path to make the call. He stated that as they walked down the hill, [redacted] was warning people not to go up the hill because there was a guy with a gun who was acting weird "shadow boxing" and acting strangely.

The dispatcher had a difficult time trying to understand his location and wanted Witness #2 to keep a visual on the man they were calling about. Witness #2 was about 100 yards from the man. He stood nearby but felt uncomfortable not knowing the situation or what was going to happen. The dispatcher kept him on the line asking him questions about the man such as the man's height and clothing. At that point, the man started to walk toward Witnesses #1 and #2, and Witness #2 became nervous about being there so he went further down the hill. The dispatcher told him that police were arriving, asked him to flag them down, and to maintain visual contact of the man so the officers could make sure of the man's whereabouts. Witness #2 then started to walk back up the hill a little but was fearful, wondering if the man had seen him looking at him for nearly two minutes while on the phone.

When Witness #2 started to walk back up the hill to see where the man was located, he heard gunshots. Witness #2 stated the rounds were coming above their heads and hitting the trees above him. He ran down the hill toward the street and behind a car and eventually disconnected the 9-1-1 call. Once the situation ended, he and Witness #1 drove off in their car, returned to the entrance of the park were most of the police cars were located, and walked over to the officers at the scene.

Witness #2 added that when he looked at the man while on the phone with 9-1-1, he kept thinking that the man could clearly see him on the phone reporting him. The witness thought if this man did have a gun and planned on doing something, "this guy is coming after me." Witness #2 stated, "He started to walk down the hill towards where I was standing, um and then I couldn't tell if he was coming at me or just down the hill." The witness stated that the path is approximately 25 feet wide but the guy was definitely moving in his direction to about 10 yards closer, and that was when he moved further down the hill, out of the man's sight.

With respect to the man's behavior, Witness #2 stated, "So, when I was on the phone with the dispatcher, I was looking at the guy and it was clear that he was acting weird and he was kind of pacing back and forth, not in one spot, and it wasn't like he was just sitting there enjoying the sunset, or waiting for somebody, it looked like there was something wrong, kind of mentally, um, you know he was acting very strangely like someone who is about to do something." Witness #2 stated he had not observed the man's behavior prior to calling 9-1-1.

Witness #3 stated he and his financial advisor were headed to the neighborhood park on the hill to walk his dogs when a female neighbor told them that there was a man on the hill with a gun. Witness #3 stated he decided to change his route and headed towards another nearby park. At approximately 7:06 p.m. witness #3 decided to stop at a vantage point with other neighbors to see if they could see what was going on in the park on the hill.

Witness #3 saw a police car racing up the road, that is accessed by a gate on the north side of the hill, and come to a stop about two-thirds of the way up the road. Witness #3 stated approximately 90 seconds later, he heard a lot of gunfire, which sounded like multiple guns and sounded like all the same caliber. "There was no preceding fire - no return fire."

Witness #3 stated that from his distant vantage point, he did not see any details of the interaction between the officers and the person who was shot. Witness #3 said he could see the patrol car stop and saw car doors open, but no officers out of the car. The witness said he was not sure where the gunfire came from. He could not see if the person shot drew a weapon and saw no light from a laser or any other light. He just

heard the gunfire and saw about a dozen officers on foot swarm up the hill into the area. Witness #3 stated he also saw an ambulance respond to the incident.

Witness #3 noted 20-30 shots and guessed that the shots were from a 9-mm weapon. There was still good lighting at the time of the incident. The distance from his vantage point and where the incident occurred was about 500 yards

Witness #4 stated that on the date of the incident, he was walking his dog in the evening around 7:00 p.m. He described the day as cold and brisk, but there was still light out. He was walking down the slope on the north side of the park. There was no one out at the time until he came down the slope and saw one person whom he now knows was the decedent. The man was standing by the benches eating a burrito looking out at the city view. Witness #4 stated his dog smelled the man's food and started walking towards him. As his dog became interested in the man's food, he noticed that the man had what he thought to be a gun on his belt in a holster. Witness #4 immediately started calling out to his dog. He grabbed his dog and walked away.

Witness #4 stated he did not have any interaction with the man and did not exchange of words with him. He walked quickly down the hill and came across two 30-year-old Caucasian men squatting down with their dogs. He said one of them asked, "Did you see the guy with the gun?" Witness #4 told them he had seen the guy and the men said, "We called the cops." Witness #4 said the men seemed really concerned and were kind of hiding behind the trees. The witness continued on his way walking down the street when he heard the gunshots in rapid-fire succession. He looked up the hill and could see one of the men he had spoken to running, and assumed that the man with the gun was shooting at people. Witness #4 ran around the corner out of the line of fire and called 9-1-1 to report the shooting. He provided dispatch with a description of the suspect and the dispatcher told him that officers were already on the scene. The witness stated that he remembered hearing 2 volleys of shots and echoes.

Witness #5 stated that on the day of the incident, he was walking his dog at the park. His dog is a [redacted] and he lets her run off-leash because she is friendly. On this day, he noticed the suspect walking up the path while eating potato chips. His dog thinks that everyone has dog treats and is accustomed to getting treats from people at the park, so she went up to the man to beg for treats. The man became very agitated and upset by the dog, so the witness called his dog back as quickly as possible. The witness stated that from his experience of going to an [redacted], the man's appearance, wearing a red windbreaker and a black hat, was similar to that of an East Bay gang, and seemed like someone the witness would not want to approach. Witness #5 became momentarily distracted by a passing female jogging but when he returned his attention back to his dog, his dog was following the suspect down the paved trail, near a set of benches for more treats.

At that point, the man became more aggressive and defensive towards his dog and his behavior became manic and erratic. The man jumped on top of a bench and was waving his hands around. He stated his dog was now barking because she was scared and he kept calling his dog back as he approached their location. The witness stated that the man associated him with his dog, turned towards him from on top of the bench, lifted his windbreaker and exposed the butt end of what appeared to be a semi-automatic pistol. Witness #5 stated the suspect then drew the pistol from his belt, and pointed it straight on at him. The witness stated he is a registered gun owner and knows what pistols look like. "At this point, I feared for my life and I started to back away and he did turn towards my dog and I could see the object in profile. That is the only time that I was able to ascertain that it was a stun gun, only based on the size of the muzzle area. There were no lights and no colors on the object, it was all black." The witness stated the man was approximately 15-20 feet from him and within two feet from his dog. He was somewhat relieved but the man was still pointing his stun gun at his dog and threatening to shoot him and his dog.

The witness retrieved his dog and leashed him, then descended the stairs. "I could still hear him yelling at me, "Come on muthafucker! Come on bitch! Let's go! You don't want any of this!"" The witness stated he has no idea why he called the non-emergency line, but he did and could not get through. The following morning he read the news that the man had been shot by police a few minutes after. The witness reiterated that the suspect was very erratic and aggressive. "I feared for my life when he exposed the butt of what turns out to be a stun gun, I thought he had a gun. When he pointed it at me I thought he was going to shoot… The things he said to me as I was descending the staircase, he was clearly looking for a fight with somebody."

Statement of the Named Sergeant

The named sergeant stated he was working as a field-training sergeant conducting a ride-a-long with a recruit officer when they heard the broadcast of a "man with a gun" up on the hill by the radio tower, prompting them to respond. The sergeant stated dispatch provided a distinctive clothing description of a male suspect who was armed with "a gun on his hip." He found that specific information of the suspect having "a gun on his hip" rather peculiar, because it implied that the suspect had a holster. While driving up towards the location, the sergeant stated he brainstormed with his recruit officer of various scenarios that they may encounter and of their tactical training. They spotted the suspect who matched the description and there were no other people present. The recruit officer stopped the patrol car approximately 25-30 yards away from the suspect. The sergeant stated he could immediately see a bulge on the right side of the suspect's hip. He got out of his patrol car on the passenger side behind the A-pillar. [2] The sergeant said they drew their weapons and was yelling for the suspect to show them his

[2] Foremost vertical bar which holds the windshield

hands. He remembered specifically saying, "Show me your hands, show me your hands!" The suspect dropped the bag in his hands and kept walking forward and down the hill towards them. Without even stopping, the suspect lifted his sweatshirt, pulled out a gun, pointed it right at the officers and said, "You show me your hands."

The sergeant stated that when the suspect's gun came out, he could see a red laser sight on it. He described the laser as "very clear to see and they're very easy to pick up." The sergeant said that once the suspect's gun was out, the suspect stopped walking and got into a "weaver stance[3]" where the suspect squared off his shoulders, legs shoulder-width apart, and brought the gun up pointing it right at the officers. At that point, the sergeant thought he and his partner were going to be shot, so he fired his weapon. The sergeant stated they were at a distance of 30 yards from the suspect and he could clearly see the laser coming from the front of the gun. He was yelling the whole time, "Drop your gun! Show me your hands! Keep it up!" The sergeant stated he fired his weapon, expecting the suspect to drop the gun and go down, but there was no response from the suspect, who was still upright and pointing the gun at the officers. The sergeant stated he continued to fire his weapon. At some point, the suspect went down to one knee, then to a prone position with his head toward the officers and his feet behind him. The suspect's gun came back up at the officers and his head was up the entire time. The sergeant stated he could still see the suspect and continued to fire his weapon while screaming commands for the suspect to drop the gun. The sergeant said he continued to fire until he saw the suspect's head drop down and the gun in the suspect's hand drop down to the side. The sergeant stated he yelled, "Cease fire!" to the officers, and coordinated a plan to approach and handcuff the suspect.

The sergeant stated that he knew that he and his partner had fired their weapons at the suspect. However, during the incident, two other officers had arrived and parked behind the sergeant's unit, so he was unaware whether the two officers in the second unit had fired their weapons. The sergeant stated he formed a skirmish line with the other three officers and approached the suspect with their guns still drawn and pointed at the suspect while giving commands. One of the officers kicked the gun out of the suspect's hand. The sergeant directed the officers to handcuff the suspect and to start CPR on him.

The sergeant stated that he did not see any markings on the suspect's weapon because he had pulled the gun straight out and the laser came on, which meant to him that the suspect was going to shoot. As soon as the sergeant saw the red laser, he fired his weapon because he believed he and his partner were going to get shot. The sergeant stated that from 25-30 yards, he could not see any obvious signs of injury on the suspect and did not know if the suspect had been hit with any rounds. The sergeant stated that during the shooting, he did pause to reload his weapon.

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[3] The shooter stands slightly bladed in a classic "boxer's stance" and pushes the gun toward the target using the strong hand, while at the same time pulling back the gun hand with the weak hand.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

Statement of the Named Officer #1

Officer #1 stated during his interviews with Homicide, Internal Affairs, and with the OCC, that he was in the Field Training Program doing a ride-a-long with the named sergeant. They received a high priority call of a man with a firearm in a holster on his right hip, wearing a red shirt on the northern side of a hill. While responding to the call, Officer #1 and his sergeant had an opportunity to discuss the type of call, as well as officer safety issues and tactics, prior to arriving at the scene.

Upon arrival at the scene, Officer #1 observed a person about 50 yards ahead walking steadily towards their patrol car who matched the description of the suspect provided by dispatch. Officer #1 stated he drove closer to within 30 yards from the suspect, parked the patrol car, and exited with his firearm drawn. Officer #1 and his sergeant gave the suspect orders to show his hands. The suspect immediately stopped, took a bladed stance, looked towards them and responded, "Show me your hands."

Officer #1 stated the suspect lifted his shirt and "exposed on his right hip what appeared to be a firearm." The suspect then drew his firearm with both hands pointed in their direction. He could see what appeared to be a red light emitting from it. He described the weapon as a black semi automatic firearm with a red laser. He immediately recognized the laser, which is used on firearms to make them more accurate to shoot at a greater distance. Officer #1 engaged the suspect. Officer #1 stated, "I began exchanging fire with him and believed that he was returning fire at that time. I believed that my life was in jeopardy, the life of my sergeant could have been in jeopardy and the lives of anyone else standing around in that area could have been in jeopardy if we did not stop that threat."

After several volley of shots, the suspect remained in the standing position with the bladed stance and continued to hold the weapon up and pointed at the officers' direction, so he continued to engage the suspect. Officer #1 stated it appeared that the suspect tried to go into a prone position and he could see the light the entire time, so he continued to engage the suspect, until he heard his sergeant yell, "cease fire." Officer #1 immediately stopped firing and could see that the suspect's head had gone down.

At that point, Officer #1 realized that two other officers had arrived at the scene. They all tactically moved up toward the suspect. As they moved in closer, Officer #1 could see that the weapon was on the ground and recognized it to possibly be a Taser. One of the officers kicked the gun out of the suspect's hand. Officer #1 and another officer placed the suspect in handcuffs and searched him to make sure he was not a threat to anyone else. Officer #1 began to render medical aid to the suspect. He had already heard that an ambulance had been called for the suspect and knew that medical assistance was on the way. He assessed the suspect's pulse and was preparing to render aid, when other officers took over his medical tasks and told him that he needed to be separated from the incident.

Officer #1 said he thought he could be killed if he did not respond with fire. The firefight was very loud especially with multiple firearms being used, and it was difficult to distinguish exactly where the fired rounds were coming from. He saw what appeared to be an explosion from the suspect's weapon and found out later it could have been the prongs being emitted from the Taser. He did not see any markings, stripes or colors on the suspect's weapon, but he could see the red laser the entire time. He could not tell from that distance if the suspect was injured. Officer #1 stated, "He [suspect] stayed in an aggressive stance and his intention seemed to be to engage us." During the engagement, the suspect went to a prone position, which made the officer believe that the suspect had military training as the prone position affords the suspect more protection by becoming a smaller, more difficult target.

Statement of the Named Officer #2

Officer #2 stated during his interviews with Homicide, Internal Affairs, and with the OCC, that he was responding to the call with Officer #3 as back up. He said that when Officer #3 parked their vehicle behind the primary unit's vehicle, he saw the named sergeant with his weapon out and saw the suspect in a prone position with his hands extended, with his head up, and his hands holding a gun with a red laser. Officer #2 said the red laser swept across his face and he aimed at the suspect. He moved to take cover behind the vehicle, drew his weapon and fired at the suspect for his own safety. Officer #2 stated he was afraid that the suspect had fired at him or at his partner. He did not know how many shots he fired but said he continued to engage with fire, then paused briefly to assess. Officer #2 stated he stopped firing when he saw the suspect's head drop and he heard the sergeant yell, "Cease Fire!"

Statement of the Named Officer #3

Officer #3 stated during the interviews with Homicide, Internal Affairs, and with the OCC, that he and Officer #2 came on scene and parked their vehicle to the right rear of the first vehicle. He then saw the passenger officer of the primary unit kneeling down, returning fire to the suspect that was prone out with a gun in his hand. Officer #3 said he saw flashes and dust and believed that the suspect was firing at them. He could not see the driver of the primary unit and thought the threat was still active. Officer #3 went over to the primary unit's driver's side to see if the officer was okay while still looking at the suspect who was prone out on the ground. Officer #3 saw flashes and he engaged the suspect with his firearm. He stopped firing when he heard the sergeant yell to stop firing.

Officer #3 stated that during the incident, he did not recall observing a red laser. He stated that he fired his weapon because he believed that the suspect was shooting at the first responding officers to harm or kill them and was still a threat. He stated he had no other weapon choice for this type of call because a call of a "man with a gun" trumps other options of force.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

Physical and Forensic Evidence

Physical evidence, including shell casings collected at the scene and examination of the named officers' handguns, established that the named officers fired 59 rounds from their Department-issued handguns.

The Department's Crime Scene Unit (CSI) found several items around the body of the decedent. Namely, two "Taser pins" were located in an easterly direction towards the two involved patrol vehicles. The Taser pins were attached to wires that led to the Taser, which was further northwest of the decedent. The CSI reported that on the right hip of the decedent attached to his belt was a black Taser holster.

Photographs of the Taser taken by the SFPD indicate that it was black in color with several yellow stripes on the sides along the lower left and right frame sections. The stripes are not visible when the Taser is in the holster or when viewed from the front.

The suspect's Taser was examined and tested by a Taser manufacturer. The report describes the Taser as an Advanced Taser M26C electronic control device equipped with a red laser, which automatically activates when the device is turned on and assists with aiming. The examination of the internal memory of the Taser indicates that the Taser was powered on and the trigger had been pulled during the incident. The examination further establishes that three trigger pulls were made on the date of the incident at or around the same time of the incident. The Taser and laser were tested for functionality and were found to be fully functional.

The San Francisco Chief Medical Examiner (ME) performed the autopsy of the decedent. The ME concluded that the decedent died as the result of multiple gunshot wounds. The sequence of the shots was not determined. The ME was able to determine that the gunshot wounds were taken from a distance because there was no soot, gunpowder particles or stripling visible on the skin on the entrance of the gunshot wounds to the decedent. The ME reported that there were 14 or 15 "distant gunshot wounds." The report included the toxicology testing of the decedent's postmortem blood, which detected the presence of cannabinoids (marijuana).

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SFPD Use of Force Training

SFPD provides use of force training at the Academy for incoming officers. The Department utilizes the Firearm Training Simulator (FATS) training, which covers the use of force options in real life scenarios via simulation. Officers also receive updated use of force training during their Advanced Officer Training sessions. The Department's use of force training focuses on the different levels of force options and trains officers to stop the threat. On this subject, shortly after the shooting, the Chief of Police spoke on a local radio talk show and stated:

> Officers are trained to engage the threat until there is no longer a threat. Officers are permitted by our policies and procedures to fire until there is no longer a threat.

The Department requires officers to qualify at the range with department weapons and to adhere to qualification requirements.

The named sergeant stated that his use of force training taught him to stop the threat. They are not trained to shoot at a suspect's specific body part to disable the threat. He had received training in tactical operations and as a specialist in the special operations group for over 17 years. He had received additional training in critical incidents, crowd control, water, dignitary protection, water-borne tactics, command posts, driving, etc. He stated he fired his weapon to defend himself when the red laser weapon was pointed at him and his partner.

Officer #1 stated he had no other option for another weapon for this call. He stated he received his use of force training from the academy including FATS training and the range. He stated that he was trained to stop the threat when recognized. He was not trained to disable persons.

Officer #2 stated he had no other option for a weapon to use besides his handgun for this type of incident. His was trained to stop firing his weapon when the threat had been neutralized and once he felt it was safe to stop firing. He said the use of force training does not teach officers to shoot at specific body parts in order to disable a suspect.

Officer #3 stated that he received training at the Academy, which included FATS training and Advanced Officer Training. He said officers are taught to shoot at the center mass of a suspect and to fire until the threat is no longer a threat. He stated they are not trained to disable people.

Department training records documented that the named officers met the training requirements.

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Analysis and Conclusion

California Penal Code §835(a) states:

> Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.
>
> A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

San Francisco Police Department General Order 5.01, Use of Force, revised on October 14, 1995, states, in part:

I. POLICY

A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.

B. Officers are frequently confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.

C. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. The purpose of this policy is not to restrict officers from using sufficient force to protect themselves or others, but to provide general guidelines under which force may be used. If exceptional circumstances occur which are not contemplated by this order, officers should use any force reasonably necessary to protect themselves or others; however, they must be able to articulate the reasons for employing such force.

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D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

    a. Verbal Persuasion

    b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)

    c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)

    d. Carotid Restraint

    e. Department-issued Baton

    f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

E. REASONABLE FORCE

1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.

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OFFICE OF CITIZEN COMPLAINTS
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F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:

    a. To prevent the commission of a public offense.

    b. To prevent a person from injuring himself/herself.

    c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.

    d. In self-defense or in the defense of another person.

2. Before using force, the officer should consider these questions:

    a. What actions on the part of the suspect justify the use of force?

    b. What crime is being or has been committed?

    c. Does the situation require the immediate use of force?

San Francisco Police Department General Order 5.02, USE OF FIREARMS, revised on May 16, 2011, states in pertinent part:

I. POLICY

A. GENERAL. Officers shall use their firearms in accordance with Department General Order 5.01, Use of Force, and this General Order.

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C. DISCHARGE OF FIREARMS

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:

    a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.

b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person posses an imminent danger of death or serious bodily injury to the officer or any other person.

c. To apprehend a person when both of the following circumstances exist:

(1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
(2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

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2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.

3. REASONABLE CARE. To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.

4. GENERALLY PROHIBITED CIRCUMSTANCE. As a warning.

The evidence established that the suspect had a weapon on his person according to the witnesses prior to the incident with police. The statements from witnesses described the suspect's behavior as erratic, agitated and aggressive. One witness had an actual encounter where the suspect drew his weapon, a Taser, and aimed the Taser at the witness and at his dog. Two witnesses believed that the decedent's behavior and exposure of the holstered weapon, which they believed was a gun, merited reporting and called 9-1-1. Dispatch broadcast the call as a man with a gun and gave the description of a Latin male approximately 6'1", 200 pounds, wearing a bright red jacket and black pants with a black gun on his hip.

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The evidence established that at the time the named officers discharged their firearms at the suspect, they had received several reports of a man with a gun in the park and had reasonable belief that the suspect was armed with a weapon. Upon contact with the suspect, the sergeant and his partner stated that the suspect continued to walk towards them at a steady fast pace and failed to comply with their numerous commands. The sergeant and his partner stated that the suspect lifted his jacket on his right side, pulled out a weapon and aimed the weapon at the officers. The sergeant and his partner stated that the suspect's weapon emitted a red laser in their direction. Physical evidence established that the suspect had in his possession an armed functional Taser, which would have emitted its equipped laser light in the aimed direction. The officers reasonably perceived the suspect's weapon to be a lethal weapon. At that moment, the named officers had reasonable cause to believe that they were in imminent danger of death or serious bodily injury from the suspect, prompting them to discharge their firearms.

The evidence established that all of the officers had the required training per the Department records at the time of the incident. The officers did not recognize the suspect's weapon as a Taser at the approximate distance of about 93.6 feet, because the Taser was black in color, the size and shape of a gun with a laser sight. When aimed straight forward, the yellow markings on the sides of the Taser were not visible.

The physical and forensic evidence established that the Taser was out of the holster and located approximately 5 feet from the suspect's right hand. It established that the suspect's Taser had discharged two Taser pins and the safety switch was on the armed position. The Taser examination documented that it was triggered three times during the time of the incident. The named officers discharged their weapons when the suspect was approximately 30 yards from their location. The medical examiner autopsy reported the decedent sustained 14 to 15 distance gunshot wounds

A preponderance of the evidence established that the officers gave repeated verbal commands to the suspect to show his hands before discharging their firearms. A preponderance of the evidence also established that the suspect drew his Taser and pulled the trigger three times toward the officers, which discharged the Taser pins in a forward direction. The evidence established that the named officers discharged their firearms in conformance with SFPD policy and procedures, as described in Department General Order 5.01, Use of Force, and Department General Order, 5.02, Use of Firearms.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

OFFICE OF CITIZEN COMPLAINTS
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FINDINGS OF FACT: The complainants stated that the officers did not investigate the call prior to shooting the decedent.

The named officers stated that when responding to calls, their intention is always to investigate the incident. However, the officers stated that when they receive a call of a person with a gun, their priority changes and they must immediately respond to handle the call and secure the weapon for the public's safety. The officers stated once the scene is safe, the investigation would begin to determine more details about the incident. The officers stated that they did not have the opportunity to investigate upon their arrival, as the suspect did not comply with commands to show his hands and immediately drew his weapon toward the officers.

Due to the high priority call and security risk, it was reasonable for the officers to respond to the scene immediately for public safety. Upon the officers' arrival, they were faced with what they perceived to be an imminent danger of death or serious bodily injury when the suspect drew his weapon at the officers, prompting the officers to discharge their firearms.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

Lieutenant Jason Sawyer # 1127, Officers Nathan Chew # 2088, Roger Morse #1923, and Richard Schiff #1968
SUMMARY OF ALLEGATIONS #9-12: The officers failed to take required action.

CATEGORY OF CONDUCT: ND FINDING: PC DEPT. ACTION:

FINDINGS OF FACT: The complainants stated the officers failed to recognize the decedent's weapon as a Taser. The complainants stated the officers did not issue verbal warnings prior to shooting their weapons.

The officers stated they did not see any markings on the suspect's weapon from their location to indicate it was anything other than a lethal weapon. The officers stated that when the suspect pulled the weapon out of the holster, they believed it was a real gun. The officers stated the weapon was black and resembled a real gun with a laser point.

The sergeant stated he did not see any markings on the suspect's weapon. He stated the suspect pulled the gun straight out and the laser came on, which meant to him that the suspect was going to shoot. The

sergeant stated that the suspect's arms were fully extended, which prompted the officers to yell commands for the suspect to drop his weapon. The sergeant stated there was no time for a warning prior to firing his weapon because it happened very fast.

Officer #1 stated he did not have experience or training on Tasers but knows the visual difference that a common person would have, if seen within a close range. The officer stated that laser weapons were discussed at the academy and he is aware that the laser is utilized to pick up sights to shoot at someone.

Officer #2 described the suspect's weapon as a black handgun and did not see any markings or color on the suspect's weapon during the shooting. He realized that the suspect had a Taser once they approached the suspect's location and after Officer #3 had kicked it out of the suspect's hands. He described the Taser as boxy with a wider front. Officer #3 stated the Taser had been fired because he saw the extended wires.

Officer #3 described the suspect's weapon as a semi-automatic black handgun and stated that he did not see any markings on the gun at the time of the shooting.

Photographs of the Advanced Taser M26 documented that it is black in color, has yellow markings on the sides and is similar in size to a gun such as the Sig Sauer P226.

The physical evidence established that the Taser is black with yellow markings on the side. When pointed at the officers with a laser point, the markings were not visible. It should be noted that the Taser's operating manual warns users, "Do not point the Taser ECD at any law enforcement officer or do anything that would cause a law enforcement officer to feel threatened by your use of the Taser ECD. Because the Taser ECD is able to incapacitate a person, law enforcement officers may be justified to use lethal force to protect themselves."

The evidence established the named officers were approximately 93 feet east of the suspect's location. It was not reasonably possible for the officers to visually see the yellow striping alongside the suspect's weapon when the weapon was pointed and aimed directly at them**.** Furthermore, a preponderance of the evidence established that the suspect drew his weapon at the officers with the laser on and aimed at the officers.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

San Francisco Police Department
SUMMARY OF ALLEGATION #13: Members of the San Francisco Police Department behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD FINDING: NS DEPT. ACTION:

FINDINGS OF FACT: The complainants stated the Police Department covered up the fatal shooting and may have falsified official reports to cover up misconduct. The complainants said the Department has been very "cagey" about disclosing information to the public and misrepresenting the facts to taint the case in the public's mind about the decedent's character, his mental health status, and stating he was armed with a gun.

The Police Department organized a community meeting that was held shortly after the incident. At the meeting, Chief Gregory P. Suhr described the incident based on the information he said he had at the time. Some friends and family of the decedent and some community members who attended the meeting were visibly upset and expressed anger and dismay about some of the statements Chief Gregory P. Suhr made about the decedent. However, there was insufficient evidence to prove or disprove that the behavior and comments were inappropriate.

There was insufficient evidence to either prove or disprove that members of the SFPD engaged in an appropriate behavior as alleged by the complainants. There was insufficient evidence to either prove or disprove the allegation.

[redacted]
SUMMARY OF ALLEGATION #14: The officer failed to take required action.

CATEGORY OF CONDUCT: ND FINDING: U DEPT. ACTION:

FINDINGS OF FACT: [redacted]

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

[redacted]

SUMMARY OF ALLEGATION #15: The officer searched the decedent's room.

CATEGORY OF CONDUCT: **UA** **FINDING:** **U** **DEPT. ACTION:**

FINDINGS OF FACT: [redacted]

[redacted]

OFFICE OF CITIZEN COMPLAINTS
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[redacted]

[redacted]

[redacted]

[redacted]

SUMMARY OF ALLEGATION #16: The officer towed the decedent's car without cause.

CATEGORY OF CONDUCT: **UA** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: [redacted]

[redacted]

[redacted]

[redacted]

CITY AND COUNTY OF SAN FRANCISCO

George Gascón
District Attorney

OFFICE OF THE DISTRICT ATTORNEY

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February 13, 2015

Mr. Adante Pointer
Law Offices of John Burris
7677 Oakport Street, Suite 1120
Oakland, CA 94621

Adante.Pointer@johnburrislaw.com
attypointer@gmail.com

Dear Mr. Pointer,

Enclosed please find a letter addressed to San Francisco Police Chief Greg Suhr. The letter details our investigation, analysis and conclusion concerning the officer involved shooting on March 21, 2014 resulting in the tragic death of Alejandro Nieto.

At a meeting last spring, District Attorney Gascón committed to meeting with the Nieto family to discuss our findings prior to any public release of that information. We understand and respect their decision to not meet with us at this time. However, please know we remain committed to meeting with the family at a time of their choosing.

Please contact me to arrange a meeting and if you have any questions concerning the enclosed letter.

Thank you for your assistance in this matter.

Best,

Sharon L. Woo
San Francisco District Attorney's Office

SFDPA - 0179-14 - 000111

GEORGE GASCÓN
DISTRICT ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO

February 12, 2015

Chief Gregory Suhr
Office of the Chief of Police
San Francisco Police Department
850 Bryant Street, Room 525
San Francisco, CA 94103

Re: Officer Involved Shooting on March 21, 2014 (Report No. 140240512)

Dear Chief Suhr:

The San Francisco District Attorney's Office has completed its investigation and review of the March 21, 2014 shooting in Bernal Hill Park involving San Francisco Police Sergeant Jason Sawyer (Star # 1127), Officer Richard Schiff (Star # 1196), Officer Roger Morse (Star # 1923), and Officer Nathan Chew (Star # 2088), resulting in the death of Mr. Alejandro Nieto. After a thorough investigation and careful review of all of the evidence in this matter, we have concluded that the officers were acting lawfully in self-defense and in defense of others when they discharged their weapons at Mr. Nieto after he drew and pointed a weapon which the officers reasonably believed to be a firearm. Our review did not examine such issues as compliance with the policies and procedures of the law enforcement agency, ways to improve training or tactics, or any issues related to civil liability; accordingly, our review should not be interpreted as expressing an opinion on these matters. A summary of the evidence obtained during the investigation of this matter, and the basis for our conclusion, is detailed below.

FACTUAL SUMMARY

Civilian Witness Encounters with Mr. Nieto

According to the investigation, on March 21, 2014, several people were walking their dogs in Bernal Hill Park around 7:00 pm when they witnessed Mr. Nieto carrying what they believed to be a firearm and felt threatened by his behavior. One man reported that he was walking his dog heading down the path near the water fountain when he saw Mr. Nieto, near the path benches, eating from a bag of chips. According to this witness, Mr. Nieto looked like he was possibly drugged or mentally ill because he kept turning around quickly and was rigid and erratic with his movements. The witness's dog approached Mr. Nieto and seemed to be interested in the chips Mr. Nieto was eating. Mr. Nieto seemed disturbed by the dog's approach so the man called her back. When the dog continued following Mr. Nieto to the next set of benches, Mr. Nieto jumped up on one of the benches and began waving his hands around, causing the dog to start barking.

The witness started approaching and calling his dog back when, from a distance of about 20 feet, he saw Mr. Nieto lift his windbreaker and t-shirt exposing a weapon on his waistband which looked like a pistol. The witness was frightened and stopped his approach but kept calling his dog back. He

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described what happened next as follows: "He then pulled the object from the holster, which was a holster like I would expect a gun to be in. … I am a registered gun owner, so it's not like I'm unfamiliar with pistols. I have two pistols. I know what they look like. This looked – I was certain at that point it was a pistol. He pulled it out, and I'm still thinking as it's coming up in the air and it's aimed towards me, it's a pistol. When he turned it into profile and aimed it at my dog, that's when I could tell that it was a Taser just because of the size of the muzzle area. It was too tall and Taser shaped – you know, I know what Tasers look like too – to be a pistol. I felt some relief at that point, but again it was only when I could see it well illuminated in profile that I could tell the difference between it being a Taser and a pistol."

Once he saw that Mr. Nieto had a Taser and not a firearm, the witness begged Mr. Nieto not to shoot his dog and told him the dog is not aggressive and just wants some chips. Mr. Nieto then turned the Taser back towards the witness and aimed it at him. Since he felt he was out of range of the Taser, the witness did not get any closer and just kept calling his dog back. Mr. Nieto then began yelling, "Fuck you!" and challenges like, "Come at me!," "Come on!" and "What do you want?" The dog finally returned to the witness and, as the witness was walking away, Mr. Nieto kept yelling, "That's right motherfucker, fuck you!" The witness immediately went down the stairs and left the park, warning people he saw coming up the stairs about Mr. Nieto. The witness unsuccessfully tried calling the police non-emergency number several times as he left the park and recalls looking at his phone and seeing the calls were made at 7:05 pm. He also sent a text message to a friend who walks her dog in the park warning her to stay away because of Mr. Nieto.

A few minutes later, two men were heading back to their car after walking their dogs when they saw Mr. Nieto at the service road on the west face of the hill. One of the men saw Mr. Nieto pacing in a small circular pattern and then pulling up the bottom portion of his jacket to expose a rectangular gun in a holster on his hip. Mr. Nieto held the grip of the gun and looked around but did not draw it. Both men continued down the service road and saw Mr. Nieto shadowboxing and ducking in and out of a chain link fence. After they gained some distance from Mr. Nieto, one of the men called 911 while his partner warned others not to go up the road and spoke briefly to another man who said he had seen someone up the hill with a gun.

Records from San Francisco's Emergency Communications Department show that this 911 call came in at 7:09 pm. While still on the phone with the 911 operator, the witnesses saw Mr. Nieto head down the hill in their direction and thought he might be coming after them. They continued to move away from Mr. Nieto and reached the main roadway, briefly lost sight of him, and then heard gunshots. Thinking they were being shot at, the men ducked behind a parked car. The gunshots, which can be heard on the audiotape of the 911 call, occurred at 7:18 pm.

SFPD Officers' Encounter with Mr. Nieto

At 7:12 pm, based on the information provided by the 911 caller, a communications dispatcher broadcast the report of a suspect with a black gun on his hip on the north side of Bernal Hill Park pacing back and forth near a chain link fence by a bench. The broadcast described the suspect as a Latin male, six feet and one inch tall, 200 pounds, wearing a bright red jacket and black pants. A second broadcast noted the suspect was eating chips or sunflower seeds but resting his hand on his

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gun, and a third broadcast noted that the suspect was walking down the hill. San Francisco Police Department Sergeant Jason Sawyer and Officer Richard Schiff were in full standard patrol uniform, in a fully marked patrol vehicle, when they heard the 911 dispatch and headed to the park.

As Sergeant Sawyer and Officer Schiff drove up the path in Bernal Hill Park, they saw Mr. Nieto walking on the path at least 100 yards in front of them and noted he fit the description provided by the 911 caller. Sergeant Sawyer saw that Mr. Nieto was eating a bag of chips and could clearly see a bulge on the right side of his body, covered by his sweatshirt. Sergeant Sawyer directed Officer Schiff to stop the patrol car about 25 to 30 yards in front of Mr. Nieto. As Officer Schiff opened the door to exit the vehicle, he saw Mr. Nieto's arms rise and could see a black holster on his right hip containing what he believed to be a firearm. Both officers exited their patrol car with their guns drawn, but stayed close to the vehicle to use it for cover if needed. The lighting conditions were good and the officers had a clear view of Mr. Nieto as he continued down the hill towards them.

Both officers shouted at Mr. Nieto, "Let me see your hands!" several times. Mr. Nieto threw his bag of chips on the ground, and continued approaching the officers. Mr. Nieto then lifted up the right side of his sweatshirt exposing a black holstered weapon as he shouted back at the officers, "Let me see your hands!" Mr. Nieto then squared off with them in a defensive stance with one leg forward and one leg back, drew the weapon from the holster with his right hand and pointed the weapon directly at the officers. Based on the way Mr. Nieto drew his weapon, Officer Schiff thought he might have some military experience or background in firearms.

As Mr. Nieto drew his weapon, Sergeant Sawyer saw what he believed to be a firearm and noted it had a red laser sight. As Officer Schiff saw the weapon come into view, he thought it looked like a large caliber semi-automatic pistol, similar to the department issued Sig Sauer P226 he carries. Both officers were certain that Mr. Nieto had drawn a firearm and was about to shoot one or both of them. Officer Schiff said he believed if he did not fire at Mr. Nieto he could be dead within seconds. Both officers discharged their firearms at Mr. Nieto. After a number of shots were fired, Mr. Nieto continued standing with his weapon still pointing at the officers. Both officers continued firing towards Mr. Nieto, at which point he dropped to his knees and then laid down flat on the ground in a prone position with his head up, his arms outstretched in front of him, and still pointing his weapon at the officers. Officer Schiff thought Mr. Nieto might have taken this position as a tactical maneuver to make his body a smaller target. Officer Schiff then, for the first time, saw the red light coming from Mr. Nieto's weapon and thought it might be a laser sight. Both officers believed Mr. Nieto was still trying to fire back at them, and continued to fire at Mr. Nieto.

Shortly before the first shots were fired, Officer Roger Morse and Officer Nathan Chew were responding to the 911 call, traveling in their marked patrol car on the Bernal Hill Park access road, when Officer Chew saw Mr. Nieto standing in the middle of the road. Both officers heard several shots ring out, then drove past 10 or 15 officers running up the hill, and pulled up to the right of and slightly behind Sergeant Sawyer and Officer Schiff's patrol car. As Officers Morse and Chew exited their vehicle they could hear more shots being fired. Officer Chew saw that Mr. Nieto was now in a prone position with his head up and with his arm extended as if he was aiming in their direction. He also saw that Mr. Nieto's weapon had a red laser sight, and thought Mr. Nieto was aiming at him when the glint from the laser crossed his eyes. Officer Morse also saw Mr. Nieto lying flat on the

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ground with his arms in front of him holding what looked to him like a black semi-automatic pistol. Officer Morse thought Mr. Nieto was firing at them when he heard popping sounds and saw what he thought were muzzle flashes as Mr. Nieto moved his weapon up and down. Both officers began firing their weapons at Mr. Nieto to protect themselves and the other officers. All four officers continued firing until Mr. Nieto's head and weapon went down, and Sergeant Sawyer yelled for the officers to cease fire.

Once Mr. Nieto was no longer moving, Sergeant Sawyer coordinated a plan to go up and check his condition, and radioed for an ambulance. The officers approached Mr. Nieto with their guns still drawn. As they got to about five feet from him they could see that his weapon, which was still in his hand, was a Taser shaped like a large pistol. Officer Morse kicked the Taser out of Mr. Nieto's hand, and Officer Chew handcuffed him. Officer Schiff checked Mr. Nieto's vital signs, and other officers who arrived tended to Mr. Nieto awaiting the ambulance. Paramedics arrived and determined Mr. Nieto was deceased at 7:30 pm.

Crime Scene Investigation

Evidence collected by the crime scene investigators is consistent with the events described by the involved officers. Investigators found a total of 48 bullet casings located at the scene, 45 scattered around both patrol vehicles and three inside one of the patrol vehicles. The passenger door of the patrol vehicle nearest Mr. Nieto's body was determined to be 93.68 feet away from Mr. Nieto's head. Three firearm magazines were found at the scene, two on the ground near the driver's door of one of the patrol vehicles and one on the ground just north of the same vehicle's passenger door. A comparison of the number of rounds of ammunition possessed by the four officers prior to the incident with the number of rounds recovered from their firearms and magazines after the incident indicates that a total of 59 shots were fired by the officers during the incident.

Several items were found near Mr. Nieto's body, including the Taser and two darts attached to wires that led to the Taser indicating that the Taser had been discharged. The Taser's safety switch was noted to be in the armed position. A black Taser holster was on Mr. Nieto's right hip attached to his belt. Two canisters of pepper spray were located, one on the ground between Mr. Nieto and the path, and a second on the ground close to Mr. Nieto's left pants pocket. A pair of handcuffs was located within Mr. Nieto's back pocket.

Taser Identification and Testing

The weapon recovered from Mr. Nieto was an Advanced Taser M26C electronic control device equipped with a red laser which automatically activates when the device is turned on and assists the user in aiming. The M26C uses a replaceable cartridge containing compressed nitrogen to shoot two small darts attached to the cartridge by 15 foot wires. When the trigger is pulled the M26C flashes electrical sparks until the trigger is released and, upon release, continues to flash for five seconds. Each trigger pull drains the batteries, and continuously holding the trigger causes the batteries to drain rapidly. The M26C has an internal memory that stores a record of every trigger pull.

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Mr. Nieto's M26C was inspected and tested by Taser International on June 11, 2014 and found to have dead batteries but was fully functional once fresh batteries were inserted. The laser was tested and also found to be fully functional. Examination of the internal memory of the device indicates the Taser was powered on and the trigger was pulled during the incident. According to Bryan Chiles, Technical Compliance Manager for Taser International, assuming the internal clock of the device was set to Greenwich Mean Time (which is how it is shipped from the factory), and assuming the clock drift was constant from the time of manufacture of this device to the time of testing, the trigger was pulled on March 21, 2014 at 7:18:45 pm, 7:18:52 pm, and 7:19:01 pm. These times coincide with time the officers discharged their weapons, which can be heard on the audio recording of the 911 call beginning at 7:18:40 pm.

The M26C is black in color with several yellow stripes on the sides along the lower left and right frame sections. The stripes are not visible when the M26C is seated in its holster or when viewed from the front. Depending on the angle at which the M26C is held, the yellow stripes may or may not be visible when viewed from the side. Despite the fact that the M26C recovered from Mr. Nieto still had these yellow stripes on sides of the device, the witness at whom Mr. Nieto pointed the Taser minutes before the shooting said he never saw them, even when the weapon was turned towards his dog, allowing him see the device from the side. The witness said he identified the weapon as a Taser based on its shape, but was adamant that he did not see yellow stripes.

The cartridges used with the M26C come with 20 to 30 anti-felon identification (AFID) tags which are disbursed when the darts are discharged. The tags are lightweight, look like multi-colored confetti, and have the cartridge serial number printed on them. Crime scene investigators searched a wide area and were unable to locate any AFID tags at the scene. Investigators believe the tags may have been lost due to significant winds on the hill at the time of the investigation, which were causing some of Mr. Nieto's personal effects to blow away upon their arrival. According to the National Weather Service, the winds were approximately 15 miles per hour in the Bernal Heights section of the City at the time of the incident. According to Taser International, it is possible but unlikely that the AFID tags had been previously removed from the cartridge, since it is very difficult to reload the darts after removal of the tags which are housed behind them.

The M26C cartridges also come with two yellow blast doors which cover the front of the cartridge and are designed to break off when the darts are fired. According to Taser International, the blast doors can break off before the darts are fired when the cartridge is subjected to field use, and can easily be removed by the user. The M26C can still be used if the blast doors are missing. Crime scene investigators searched for but were unable to locate any blast doors or pieces of blast doors when they searched the crime scene, indicating that the cartridge in Mr. Nieto's M26C was not equipped with yellow blast doors at the time of the shooting. This is consistent with the recollection of the witness at whom Mr. Nieto pointed the Taser before the shooting, who said he was certain the only color he saw as he looked directly at the front of the weapon from a distance of 15 to 20 feet was black. It is also consistent with the statement by Officer Schiff that all he saw was "straight black" when Mr. Nieto drew the weapon at him and Sergeant Sawyer. In addition, neither Sergeant Sawyer nor Officer Morse nor Officer Chew described seeing yellow or anything else indicating to them that the weapon was a Taser as Mr. Nieto pointed the M26C directly at them from a distance of 25 to 30 yards.

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The M26C Operating Manual prominently displays the following warning on page 4: "Do not point the TASER ECD at any law enforcement officer or do anything that would cause law enforcement officers to feel threatened by your use of the TASER ECD. Because the TASER ECD is able to incapacitate a person, law enforcement officers may be justified to use lethal force to protect themselves." A CD version of the M26C Operating Manual was located in Mr. Nieto's car.

Medical Examiner's Report

The autopsy conducted by Dr. Amy P. Hart, Chief Medical Examiner, is consistent with the description of events provided by the officers involved in the shooting. Dr. Hart concluded that Mr. Nieto died as the result of multiple gunshot wounds, noting that there were 14 or 15 "distant gunshot wounds" to Mr. Nieto's head, torso, upper extremities, and lower extremities, and that these wounds may have been created by as few as 10 gunshots. One of the wounds was a graze wound; the rest were all perforating wounds.

The report notes that the Medical Examiner received records from San Francisco General Hospital revealing Mr. Nieto had a history of aggressive and bizarre behavior and auditory hallucinations, and a clinical history of psychosis exacerbated by his failure to take the medications Zyprexa and Abilify which had been prescribed for him. The report also notes that toxicology testing of Mr. Nieto's postmortem blood did not detect the presence of Abilify, Zyprexa, Benadryl, Risperdal, Geodon or Ativan in his system, though it did detect the presence of cannabinoids (marijuana).

Prior Contacts with Law Enforcement

San Francisco Police Department (SFPD) records reveal that Mr. Nieto had two prior contacts with local law enforcement. The first contact was on January 31, 2011, when SFPD officers were dispatched to a coffee shop based on a report that Mr. Nieto had a steak knife in his pocket and might be suicidal. Mr. Nieto told the officers he was afraid someone may attack him and was depressed about his recent breakup and unemployment. According to the police report, Mr. Nieto appeared paranoid, could not maintain eye contact, and had difficulty answering questions about his address and the date and time. Mr. Nieto was taken into custody and placed on a 72-hour mental health hold.

The second contact was on August 15, 2011, when SFPD officers were dispatched to Mr. Nieto's residence on a report that he was unstable and setting things on fire. According to the police report, Mr. Nieto's parents told the officers their son hears voices, suffers from depression, was supposed to be on the medication Abilify but had not taken it. Mr. Nieto set a book on fire in the kitchen and ran with the burning book into the living room where he threw it on the ground and threw himself on top of it. When his father tried to extinguish the fire, Mr. Nieto threw the burning book under the couch. After his mother extinguished the flames with water, Mr. Nieto took the ashes to the kitchen, mixed them with soap, placed them on the patio floor, and ate them off the ground. Mr. Nieto's parents told the officers they feared for his safety as well as their own. The officers called backup to help subdue Mr. Nieto, who was combative, took him into custody and placed on a 72-hour mental health hold. Although Mr. Nieto was prescribed the drug Zyprexa by the doctor who examined him during this mental health hold, he told the doctor he would not take any medication and that he just needed marijuana to calm his mind.

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San Francisco Police Department records also reveal that Mr. Nieto had a prior law enforcement contact related to the use of his Taser. On March 3, 2014, less than three weeks before his death, police received a report from the estranged husband of Mr. Nieto's friend stating that Mr. Nieto had used a Taser on him. The reporting party said he was placing his son in the back seat of his car when Mr. Nieto exited a nearby car carrying a black bag and shouted "Get the fuck out!" The reporting party told Mr. Nieto he was just getting his child. Mr. Nieto took a few steps back, drew a Taser from his bag, and as the reporting party turned his back to speak to his wife, Mr. Nieto discharged the Taser at him, striking him once on his lower back and once on the buttocks. As the reporting party pulled off the darts, Mr. Nieto fired a second time, striking his shoulder, arm and forearm. The reporting party said he was bleeding, in pain and afraid, and quickly got into his car and drove away with his child. Mr. Nieto kicked and hit the car doors as he drove away, shouting, "Get out of the car! I'm gonna get you!" The wife of the reporting party told police that Mr. Nieto got into her car without her permission as her husband was picking up their son. She said Mr. Nieto started to scream, got out of the car, and shot her husband with the Taser in front of her and her son. The reporting party and his wife both filed for restraining orders against Mr. Nieto stating this incident caused them to fear for their safety and for the safety of their children. Mr. Nieto filed a police report two days later about the incident. Mr. Nieto reported that he fired his Taser during a verbal altercation with the reporting party because he feared for his life when the reporting party took a boxing stance after Mr. Nieto said he had an active restraining order against him.

ANALYSIS AND CONCLUSION

California Penal Code section 835a allows an officer to use reasonable force to make an arrest, to prevent escape, or to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. The statute provides that the officer need not retreat or end his effort to make an arrest because of the person's resistance. Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm. California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. CALCRIM 3470.

In this case, Sergeant Sawyer, Officer Schiff, Officer Morse and Officer Chew all clearly believed their lives, and the lives of the other officers, were in imminent danger at the time they discharged their firearms. Sergeant Sawyer and Officer Schiff both believed Mr. Nieto had a firearm. Believing that Mr. Nieto was about to shoot them, and in fear for their lives, both officers discharged their weapons at him. Once Officer Morse and Officer Chew arrived at the scene they heard gunshots and saw Mr. Nieto in a prone position with his arms outstretched in front of him holding what they each believed to be a semi-automatic firearm. Both officers began firing at Mr. Nieto to protect themselves and the other officers. All four officers continued to believe their lives were in danger and continued to fire until Mr. Nieto's head and weapon went down and Sergeant Sawyer ordered the officers to cease fire.

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The belief of each officer that Mr. Nieto's weapon was a firearm was clearly reasonable. The Taser recovered from Mr. Nieto was black in color, shaped like a large frame pistol, and equipped with a red laser. At the time of the incident the Taser was armed, its red laser was activated, and the laser was focused in the direction of the officers. Although the Taser had several yellow stripes along the sides of the left and right frame sections, they would not have been visible to the officers when the Taser was in its holster or when the Taser was pointed directly at them from a distance of 25 to 30 yards away. The officers were responding to a call of a man in the park reported to have a gun and saw what appeared to be a gun as soon as they encountered him on the hill. Mr. Nieto refused to obey orders to show his hands and, instead, immediately drew and pointed his weapon at the officers. Mr. Nieto's actions gave the officers no opportunity to discover that his weapon was not a firearm before having to act to protect themselves and their fellow officers from the threat of death or great bodily harm.

Under these facts, the use of deadly force was justified. It is, therefore, our conclusion that Sergeant Sawyer, Officer Schiff, Officer Morse and Officer Chew acted lawfully.

Very truly yours,

George Gascón
District Attorney

c: Lieutenant Toney Chaplin
Sergeant Jason Sawyer
Officer Richard Schiff
Officer Roger Morse
Officer Nathan Chew

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OIS PHOTOGRAPHS

TAB	DESCRIPTION
1	SCENE PHOTO'S PRIOR TO CSI
2	CSI PHOTOS
3	OFFICER PHOTOS
4	TASER PHOTOS
5	OFFICER WEAPON PHOTOS

Contributing coalition member Ben Bac Sierra writes:

THE REAL NEWS ABOUT ALEX NIETO! Analysis and evaluation of the San Francisco District Attorney's report deciding not to file criminal charges against San Francisco police officers who killed Alex Nieto on March 21, 2014.

Welcome to the real news!

Scholarship student and security guard Alex Nieto never pointed a taser at San Francisco Police Officers Sawyer and Schiff. There is at least one witness who saw everything and emphatically confirms that Alex Nieto never pointed a taser at officers. This witness was never interviewed for the district attorney's report.

But for one moment let's forget the witness. The district attorney's report accepts the police department narrative: two veteran San Francisco Police Department (SFPD) police officers have their weapons drawn aiming directly at Alex Nieto who is eating a bag of chips walking down the hill. Both officers KNOW he has a firearm. These two READY police officers then allow Alex to square off with them, reach into his holster (they KNOW he has a gun), and they allow Alex to point this "gun" directly at them BEFORE they finally make the decision to start shooting at him 59 times.

This tale is ridiculous and unbelievable, yet they expect us to accept it.

There was no reason for Alex to have been shot at 59 times! This entire sham is a cover up to hide the SFPD's incompetence, lack of fire discipline, and illegal and intimidating investigation. They will not take responsibility for killing an innocent, promising young man, Alex Nieto, our brother.

I was Alex's best friend. For credibility purposes, so that you will not dismiss this as some illogical rant, I must provide you with credentials: I am a combat Marine Corps veteran. I hold a B.A. from U.C. Berkeley, a Master's in English, and a Juris Doctor degree from U.C. Hastings. I have been a college professor for over a dozen years. I am a published author. You can trust that I have analyzed and evaluated this district attorney's report not to file criminal charges against San Francisco Police Officers.

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I now will begin an investigation into the report:

- During an April 2014 meeting with me, the lawyer for the case, the Nieto family and the district attorney (D.A.) and his subordinates, San Francisco D.A. Gascon promised a thorough investigation regarding the entire shooting and its aftermath. He promised he would investigate the totality of the crimes involved with this shooting.
- The DA did not thoroughly investigate or question the shooting itself, nor did he investigate the action of SFPD after the shooting—the illegal interrogation of the Nietos, the unlawful extraction of confidential medical records, the attempted warrantless search of the Nietos' residence, the robbery and warrantless search of Alex Nieto's car. Why did the police act in such a secretive manipulative manner if the shooting was justified? Why did the police claim to the media incorrect statements that Alex had a gun when they immediately knew, according to the DA report, that Alex had only a taser? This evidence must be examined and looked at as part of the totality of the crimes committed.
- On page one and two of the report, there is a section dedicated to explaining an encounter with a dog owner witness who saw Alex on the day he was killed. This male witness has absolutely nothing to do with any police reporting about Alex. He never called 911. No police officers knew anything about this witness, so he should have no bearing on the officers' response to the hill that day. Is the witness a licensed psychiatrist to determine whether a person who looks around at his environment is acting erratically? A trial would have led to this witness's cross examination. **I repeat**: he does not contribute in any way to the police coming because he never contacted the police, and the police knew nothing about this witness or an altercation when they came with a military mindset to kill Alex.
- On page one and two, an exchange between Alex and an uncontrollable dog is described. It is completely reasonable that Alex would have felt threatened by a large dog that was "following" and harassing him and not under the control of the owner. Alex even moved away from the dog to another set of benches in order to avoid conflict with the dog. Yet the dog persisted in harassing him. **Alex even tried to wave the dog away**. The dog barked aggressively and could not be controlled by the irresponsible owner. Aggressive dogs that do not pay attention to their owners can be a lethal threat to a person. Alex would have been fully justified in attempting to defend himself from this uncontrollable dog. This was a giant dog, yet its description is nowhere mentioned in the report. The DA report simply accepts the owner's account of what happened, which is biased, and **MOST IMPORTANTLY**, completely irrelevant to the shooting because this owner never contacted police, perhaps because he knew he was to blame for his aggressive, uncontrollable, unleashed dog. Police knew nothing about this dog owner witness.
- Alex must have been justifiably shaken from this dog attack.
- According to page two of the report, two witnesses see Alex and believe he has a gun. He did not brandish it or point it. In fact according to the DA report, Alex did absolutely **NOTHING** to these two male witnesses who actually called the police. The witnesses do not even claim that Alex ever even looked at them!

- **According to the bottom of page two, no 911 call or radio dispatch claims Alex Nieto is doing anything that is erratic or violent. We now have confirmed evidence that Alex never threatened anyone, yet the SFPD rushed up to Bernal Hill in an aggressive military manner to kill someone.**

- On page three, according to Officer Sawyer, as Alex walked down the hill, he continued eating from his bag of chips. Consider Alex's intent and mindset: **he had no clue that anyone had called the police on him because he had done nothing wrong.** He was minding his own business eating his chips. He did not imagine that the police were there for him. Any reasonable police officer seeing someone eating a bag of chips should have known that this person is not a violent threat. Yet they approach him in a daunting, life threatening manner with their guns drawn on him.

- On page three of the report it states that when officers see Alex they believe he is the suspect. Officer Sawyer believes he sees a bulge under his jacket that may be a gun. Officer Schiff **certainly** sees what he believes is a holstered weapon.

- **Officers exit their patrol car with guns drawn on Alex.**

    - They state that then Alex lifted his arms and exposed what appeared to them to be a holstered weapon.

- **Let's review: They both now know that Alex Nieto has a pistol and they have their own guns aimed right at him; their weapons are drawn.**

    - They then claim that Alex takes his weapon out of his holster and points it at both of the ready and trained officers, and the officers allow him to do this.
    - For argument's sake, let us accept this narrative yet question it. If Alex had drawn his weapon, and the veteran police officers have their own pistols aimed right at him, and they justifiably believe he has a gun, why did they not immediately shoot when Alex even attempted to reach for his weapon? Why would trained police officers allow themselves to be tracked by someone with a gun?
    - This narrative is completely unbelievable. Once Alex would have reached for his weapon, officers would have immediately fired, especially since they already had their weapons drawn and pointed at him.
    - Why would Alex Nieto even point a taser at police officers when he has done nothing wrong? He is ready for work as a security guard (he's scheduled in less than two hours). He has no criminal history and has never been arrested in his life.
    - On page three, why does the report reference the first shots fired by Officers Sawyer and Schiff as "a number of shots?" Why can't they say exactly how many shots they fired at that moment and who fired first?
    - **This D.A report's summary of the shooting is completely inconsistent with the audio.** There were first two shots and then there was a seven second pause. Then there was more firing, what we now know was a total of 59 shots!

- **On page four, why did Officer Morse "kick" the taser out of Alex's hands? Why not take a picture at that moment?**

- According to page five, the police started shooting Alex at 7:18:40, and they claim that according to a memory device inside of the taser, that it was discharged at 7:18:45, 7:18:52, and 7:19:02. If this is accurate, and they claim that Alex is standing (from page three) during at least the 7:18:45 taser discharge, why didn't police officers Sawyer and Schiff see that Alex would have discharged a taser that shot out a wire and darts, not bullets? Did Alex Nieto ever point a taser at officers if they could not see that he would have discharged an electric taser? Can it be possible that once the police began shooting, Alex then attempted to defend himself but did not even point the taser at the officers? Perhaps a bullet struck the taser?
- Is lack of fire discipline by these police officers the real problem that occurred? Throughout this entire shooting, they did not have fire discipline and thought they were at the Wild West and could not tell they were in absolutely no danger from Alex.
- On page four, Officer Morse states he thought "Mr. Nieto was firing at them when he heard popping sounds and saw what he thought were muzzle flashes." Officer Morse cannot tell that it is only officers who are shooting because no one is taking responsibility for fire control or calling for a cease fire. Officer Morse completely imagines that there are muzzle flashes coming from Alex, but that is impossible because Alex Nieto does not have a firearm.
- The San Francisco Police Officers were reckless in the way they fired their weapons, not taking into account possible civilian victims. They could not even find all of their bullet casings or other evidence from the taser.
- Now we move onto the SFPD's cover up and illegal investigation:
- After the killing of Alex Nieto, why did SFPD tell the media that Alex had a gun when they knew that he only had a taser? They knew then that that was a lie, but it was a way to buy time for their cover up, which began in earnest after the unlawful killing.
- There were only two officers who supposedly saw Alex draw his taser. We know of at least one witness who states certainly that Alex Nieto never pointed a taser. Why didn't the district attorney interview this witness?
- On page six of the report, the police claim that Alex should have known not to point a taser at officers because he owned a CD version of the taser's operating manual "that was located in Mr. Nieto's car." How did police obtain that CD? The day after the unlawful killing SFPD stole Alex Nieto's car and performed a warrantless search of it. **THE D.A. IS USING AN ILLEGALLY OBTAINED CD FROM ALEX'S CAR AS EVIDENCE FOR WHY THEY WILL NOT PROSECUTE OFFICERS AND TO FURTHER DEFAME ALEX NIETO!** Why isn't the police department's stealing of Alex's car seen as suspicious?
- The day after the killing, SFPD investigators are sent to intimidate the Nieto family. They attempt a warrantless search of the residence and extract information that they use to slander and smear Alex Nieto. Through their intimidating investigation of the Nietos, the SFPD found that Alex had medical records at San Francisco General Hospital.
- How did confidential medical records get released in less than three days (for Chief of Police Greg Suhr's town hall meeting on Tuesday, March 25, 2014) without authorization?

Who authorized this release of confidential medical records? Releasing confidential medical information is a crime.

- We were guaranteed that the D.A. would investigate the totality of the crimes involved, yet he focused on the singular shooting AND Alex's irrelevant past. The officers knew nothing about Alex when they approached him on March 21. **Now it is confirmed**: No broadcast to police or 911 call gives any negative description about Alex Nieto.

I have had less than 20 hours to prepare this statement. The San Francisco District Attorney had 10 months to investigate and to write a flawed eight page report.

This is the real news.

Amor for Alex,

Benjamin Bac Sierra, M.A., J.D.

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Examiner

Friday March 04, 2016

Breaking News > The City > San Francisco News > Crime > Featured Breaking

Witness contradicts police version of Alex Nieto killing, says officers opened fire without cause



Benjamin Bac Sierra and family members of Alex Nieto, who was killed by San Francisco police on March 21, 2014, hold a press conference in Bernal Hills Park following the release of a Medical Examiner's report detailing Nieto's cause of death on Sept. 11, 2014. (Mike Koozmin/2014 S.F. Examiner)

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Charlie Puth writes touching tribute to Paul Walker

By Jonah Owen Lamb on March 3, 2016 5:52 pm

In an unprovoked shooting, police opened fired on Alex Nieto with little warning moments after they approached him in March 2014, according to testimony Thursday in a federal civil trial.

The testimony of shooting witness Antonio Theodore contradicts the version of events given by the four officers who fired their weapons that day and killed Nieto.

"They all started firing while [Nieto] was on the ground," Theodore said in federal court. "It was unnecessary to shoot him up so much."

Three of the four officers, who are defendants in the federal civil rights case, have testified that Nieto pulled what they thought was a gun and pointed it at them, prompting the officers to fire more than 50 rounds in order to protect themselves.

The involved officers — Jason Sawyer, Roger Morse, Richard Schiff and Nathan Chew — were responding to a call of a man on the hill with a pistol. The weapon turned out to be a stun gun.

"As soon as he went down and pulled the gun, that's when I attempted to fire back," Officer Schiff

SFDPA - 0179-14 - 000126

But in testimony Thursday, Nieto family lawyer Adante Pointer questioned Theodore, who saw a completely different version of events unfolded.

Theodore was jogging on March 21, 2014, when he saw several police cars enter Bernal Heights Park and drive a steep, dirt road. The first car up the road stopped about 150 feet away from Nieto, who was wearing a red jacket. Two officers exited their vehicles and pulled their weapons, according to Theodore.

Theodore said Nieto was walking calmly with his hands in his pockets when the officers yelled for him to stop. Then the two officers began shooting.

"One officer yelled 'stop,'" Theodore testified. "After the 'stop,' [one of the officers] fired a first shot at the man in the red jacket. [The officer] then fired another shot. He fired a third shot. The person then fell on their knees. Then [the officer fired] a fourth shot, and he [Nieto] fell on his face."

Moments later, Theodore said he saw more officers arrive. After a brief pause in shooting, the newly arrived police began to fire.

Theodore, who was shaken up after seeing the killing, said he then saw the police move in and cuff Nieto's limp body.

"I felt really disturbed by the situation," Theodore said. "After all of that, [they] still kind of roughed him up and handcuffed him. I don't see the need for that."

While the officers who have taken the stand said Nieto pulled a weapon and then pointed it at them, Theodore says he did not see anything like that unfold.

"When you saw Mr. Nieto go to the ground, did you see him point his pistol at cops?" Pointer asked.

"No," Theodore replied.

"Did you see a red light pointed at the officers?" Pointer asked.

"No," said Theodore, who added he never heard anyone yell, "Show me your hands," as police previously testified.

Theodore also said he did not report what he saw to the the police out of fear.

"I just think it would be hard to go tell an officer that I just saw fellow officers shooting up somebody," he said. "I didn't trust to speak to the police about it."

Some time after the March 2014 incident, an investigator with the City Attorney's Office interviewed Theodore; he was eventually deposed by the District Attorney's Office.

Theodore is scheduled for questioning by defense lawyers Friday morning in Judge Nathanael Cousins' courtroom.

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SFDPA - 0179-14 - 000127

OPINION

Coming Sunday
Debra J. Saunders: On Mitt Romney and the GOP establishment's Plan B. **SFChronicle.com/opinion**

OPEN FORUM *On Mario Woods*

What matters

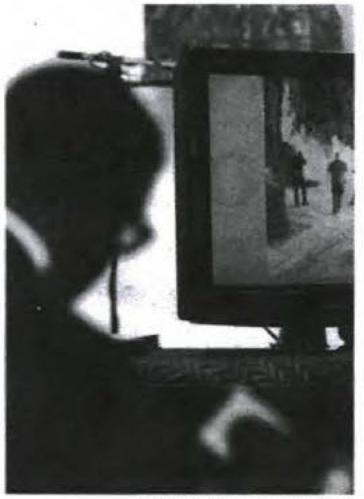
By Brian Cahill

I'm the father of a cop, and I believe that the "Black Lives Matter" movement has raised the consciousness of most thoughtful citizens. The movement not only reminds us that the lives of young African American men are more at risk than the lives of others, but it makes us realize that as a society we still have a long way to go to fulfill the Rev. Martin Luther King's dream.

I worked in a group home in the Western Addition in the 1960s and 1970s serving many African American youth and attempting to divert them from the California Youth Authority. In the 1990s, when I was appointed director of the San Francisco Human Services Agency, African American children were 70 percent of the foster care children in a city where black children were only 10 percent of the child population. I see the same disproportionality today at San Quentin State Prison, where I volunteer in the prison ministry. I'm not suggesting that some of these men should not be there, but after going into San Quentin twice a week for the last 10 years, I know that some of them definitely do not belong there.

Many of the young advocates and protesters of the Black Lives Matter movement are forcing us to look at the reality of these issues. They've forced us to look at not only the deaths of young African Americans, but the failure of the Ferguson, Mo., Police Department to recruit a representative force, the failure of the Chicago Police Department to release a video of what appears to be an unjustified shooting by an officer, and at other incidents that have fanned the flames of controversy.

In the heat of this situation, I believe thoughtful citizens also have to understand that law enforcement — by its nature, and increasingly in today's environment — is extremely stressful work. I've learned about cops' stress and how



Jeff Chiu / Associated Press

A video shows the police shooting of Mario Woods.

stress can lead to depression, and in some cases depression can lead to suicide. I've learned it because my son was a cop who took his life seven years ago.

I've learned that good cops are conditioned to try to bring control out of chaos, and are willing to risk everything during a critical incident because they know the incident will come to closure. The very things that make them good on the job become lethal when they become depressed. They feel they are not functioning in any aspect of their life. They become extremely frustrated when they can't control the emotional pain. And they begin to despair when the pain in their life feels as if it will never end. That's what happened to my son. I'm not saying that stress in cops always leads to problems, but 25 percent of all U.S. cops struggle with post-traumatic stress disorder or serious depression from relationship losses and other problems.

I'm not ignoring police officers who have been abusive. And I'm not suggesting that use-of-force policy and tactics can't be improved. But for almost five years, I've met weekly with veteran San Francisco cops, telling them my son's story and about the hidden emotional risks in their work. I've talked with enough of these men and women to know that they are dedicated professionals doing an impossible job.

I don't expect all the Black Lives Matter protesters to agree with me, but I think many San Franciscans would. Cops aren't perfect, but the great majority are out there every day protecting all members of our community. They deserve our respect, our support and our appreciation.

I mourn for all the lives lost on our streets. Regardless of where we come down on the pros and cons of the Board of Supervisors vote on "Mario Woods Day," I mourn for the mother of Mario Woods. I can't know her experience, but I do know about the horror and trauma and never-ending pain that come with the loss of a child, and that matters.

And I mourn for all mothers in San Francisco who have lost a child to violence on the streets, and that matters.

I also mourn for the loved ones of homicide victims on our streets, and that matters.

I mourn for the loved ones of police officers who have died in the line of duty on our streets, and that matters.

I mourn for the loved ones of the six SFPD officers who have taken their lives since 2010, and that matters.

And I mourn for my two granddaughters, who have to live their lives without their father, and that matters.

Brian Cahill is the former executive director of San Francisco Catholic Charities and a volunteer suicide-prevention trainer for the San Francisco Police Department. He is completing a book about his son's suicide.

OPEN FORUM *On Water*

More reservoirs needed in California

water users, since 2012 we have lost 2.3 million acre-feet of water. An acre-foot of water is 325,851 gallons. That means that in the last four years, California has lost 749 billion gallons.

the Central Valley are forced to drive to their neighborhood church to take a shower and can't flush their toilets at home. I lived in better conditions while serving in the Army in Iraq during wartime. It is unac-

the aquifers could collapse, and once that happens, they can never be refilled or used again. If the land under the aqueduct drops, it could crack and dam-

repair. This would completely

SFDPA-0179-14 000128

Examiner
Wednesday March 09, 2016

Alex Nieto civil trial continues as lawyers probe conflicting versions of 2014 killing



Alejandro Nieto was shot and killed by San Francisco police at Bernal Heights Park on March 21, 2014. (Mike Koozmin/S.F. Examiner)

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Mayor Ed Lee fires back at critics, defends his homeless efforts

Sheriff's deputy caught up in 'Shrimp Boy' case no longer with department

By Jonah Owen Lamb on March 7, 2016 1:00 am

Four San Francisco police officers who fired the 48 rounds that killed Alex Nieto spent much of last week testifying they observed the victim pull out a weapon on that fateful day in March 2014 and feared for their lives.

An additional witness, however, has contradicted the police version of the incident.

The first week of a federal civil trial, filed by Nieto's family against the four involved officers, featured conflicting versions of the fatal shooting. The officers — Jason Sawyer, Roger Morse, Richard Schiff and Nathan Chew — were responding to a report of a man with a pistol on Bernal Hill in Bernal Heights Park on March 21, 2014. The weapon turned out to be a stun gun.

But a witness to the shooting, Antonio Theodore, testified the officers did not warn Nieto before opening fire, contrary to prior police testimony.

On Friday, in Judge Nathanael Cousins' federal courtroom, a muddle of evidence was presented that supported both versions of the shooting.

Theodore's testimony under cross examination revealed he has a shaky memory in general and has been drinking alcohol regularly since the shooting. He also said he believed one of the male officers at the scene was a woman.

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Amy Hart, The City's former chief medical examiner who performed Nieto's autopsy, displayed images of the victim's bullet-ridden body. She described to jurors the path of each bullet, as well as a the number of bullets — 15 — she believed struck Nieto.

But Hart's testimony also addressed the angle of the bullet wounds, which may indicate how he was positioned at the time of his death.

A bullet reportedly struck the side of Nieto's leg, according to Hart, yet officers testified Nieto was facing them during the shooting. Additionally, some of the entrance wounds to Nieto's hands indicate Nieto may not have been pointing the stun gun at the officers, Hart said.

In response, the city attorneys representing the four officers asked why there was no sign of bullets entering his jacket.

Hart said she did not take photos of Nieto's clothes after they were removed and did not recall holes in the pocket areas, which would been consistent with the victim having his hands in his pockets when he was shot.

Still, Adante Pointer, who represents the Nieto family, pointed out that Hart's report mentioned a bone was found in the victim's jacket pocket, possibly indicating Nieto's hands were in his pockets when he was shot.

The trial is set to continue this morning at 9 a.m.

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In Other News



SFDPA - 0179-14 - 000130

Examiner
Wednesday March 09, 2016

Jurors hear opening statements in Nieto civil rights trial



Refugio Nieto, Alex Nieto's father, talks with supporters of Alex Nieto before the opening of the civil rights trial at the federal court building in San Francisco on Tuesday, March 1, 2016. (Emma Chiang/Special to SF Examiner)

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Mayor Ed Lee fires back at critics, defends his homeless efforts

Sheriff's deputy caught up in 'Shrimp Boy' case no longer with department

By Michael Barba on March 1, 2016 6:08 pm

Attorneys for the family of Alejandro "Alex" Nieto and The City told jurors two separate accounts Tuesday of what led to San Francisco police killing Nieto as dusk fell on Bernal Heights Park two years ago.

The civil rights trial against the four officers who shot Nieto dead on March 21, 2014, began with the selection of eight jurors inside the Phillip Burton Federal Building, where that same morning about 200 demonstrators expressed their support for the Nieto family.

By the close of the trial, jurors will either be convinced that Nieto was pointing a stun gun at officers when he was shot, as police claim, or that he had his hands in his pockets as he walked down Bernal Hill, as Nieto's family contends.

Deputy City Attorney Margaret Baumgartner, who is representing the officers involved, aims to prove the former.

"They kept shooting at the man with the gun because he kept aiming at them," Baumgartner told jurors during her opening statement. "It was only after they kicked the gun out of those man's hands that they realized that gun was a Taser."

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same time that the officers opened fire, to prove that the officers used reasonable force.

But Adante Pointer, an attorney for the Nieto family, told jurors they will hear testimony from a witness who saw Nieto with his hands down when officers Jason Sawyer, Roger Morse, Richard Schiff and Nathan Chew shot at him 59 times.

While Antonio Theodore, the witness, described Nieto as walking "pretty cool and casual" toward officers in a deposition, taken about a year and a half after Nieto's death, Baumgartner on Tuesday said that Nieto was "marching purposefully toward them on this clear open road."

Baumgartner also emphasized to jurors that the officers shot Nieto because they feared for their lives and were responding to an emergency call of a man with a gun.

"They were there to protect each other and to protect the public," Baumgartner said. Morse and Chew, who arrived after Sawyer and Schiff already started firing, "drove into the firefight because that was their job to do that."

All four officers sat in the courtroom in black and gray suits Tuesday, as heated back and forths between attorneys broke out between and after opening statements. On the other side of the aisle, Refugio Nieto, the father of the deceased, flinched his head and looked the other way when a bloody crime scene photo showed his son's body. He was accompanied by his wife, Elvira Nieto.

In the morning as the trial began, Benjamin Bac Sierra, who has acted as a spokesperson for the Nieto family since the shooting, led demonstrators as they honored Nieto in the courtyard out front of the federal building.

"We feel that the evidence, both the physical and the logic of the case is...irrefutable," Bac Sierra said. "I think it would be unreasonable for any juror to look at the evidence of the case and think otherwise."

◄ Back Picture 1 of 11 Next ►

Refugio Nieto, Alex Nieto's father, talks with supporters of Alex Nieto before the federal trial at the federal court building in San Francisco on Tuesday, March 1, 2016. (Emma Chiang/Special to SF Examiner)

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In Other News



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Examiner
Monday March 07, 2016

Breaking News > The City > San Francisco News > Crime

Alex Nieto civil trial continues as lawyers probe conflicting versions of 2014 killing



Alejandro Nieto was shot and killed by San Francisco police at Bernal Heights Park on March 21, 2014. (Mike Koozmin/S.F. Examiner)

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By Jonah Owen Lamb on March 7, 2016 1:00 am

Four San Francisco police officers who fired the 48 rounds that killed Alex Nieto spent much of last week testifying they observed the victim pull out a weapon on that fateful day in March 2014 and feared for their lives.

An additional witness, however, has contradicted the police version of the incident.

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In Other News



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03/07/2016 5:31 PM

48 hills
the secrets of san francisco

Evidence in Nieto case casts doubt on police story

Posted on January 7, 2016 by Tim Redmond

Documents on file with federal court directly contradict the official version of the police shooting on Bernal Hill



Alex Nieto was killed by police on Bernal Hill March 21, 2014

By Tim Redmond

JANUARY 7, 2015 – A new movie about the killing of Alex Nieto points to some dramatic information about the case that directly contradicts the official police version of events – and that has never been reported in the press.

The movie, which we review here, is based in part on deposition filed in the family's lawsuit against the city. The depositions, and other documents relating to the suit, are in the public record, but have been largely ignored.

SFDPA - 0179-14 - 000135
01/08/2016 4:46 PM

When I saw the movie, which features actors playing "Lowrider Lawyers" taking the city to court, I was stunned by some of the evidence that is cinematically introduced. So I called Benjamin Bac Sierra, the writer and director, and he told me that everything came from the public record.

He's right: Once I pulled the federal case documents, I found sworn testimony that is entirely different than what the police, the district attorney, and the Office of Citizen Complaints have reported. (The OCC doesn't release complete reports, but has a version of its investigation with all names redacted here.)

According to the official version, witnesses described Nieto as acting "erratic" and was aggressive, showing off what appeared to be a pistol on his belt. At one point he threatened to shoot a dog. When police were called, Nieto pulled a Taser, which officers thought was a gun, and aimed it at them.

That's what's been reported so far.

But the depositions and other legal documents on file in federal court show, among other things:

— An eyewitness who was no more than 20 feet away from the action said that he saw Nieto's hands in his pockets at the time he was shot. That witness also said that the officers never said anything to Neito except "stop" and that Nieto never responded to them.

In the police version of the event, the officers told Nieto to drop his weapon and raise his hands, and Nieto responded by telling the cops to raise their hands. Nieto, the police accounts say, "squared off in a defensive stance" and pointed the weapon at them.

The witness testimony completely contradicts that. Witness Antonio Theodore, who was on Bernal Hill at the time, testified that

> *[Nieto] was walking down there, and, yeah, I didn't show — I had no idea that the police was going after him, because it was pretty cool and casual walking. One officer came out on the right-hand side. Officer on the right-hand side shout out, "stop." Within that moment, approximately some — some how much of a second, and fired his first shot, bam; fired second shot, bam; fired a third. Alex Nieto went to his knees.*

More:

> *Q. Did you see what Mr. Nieto was doing with his hands when the officers were in contact with him?*
>
> *A. Mr. Nieto hands was in his pockets.*
>
> *Q. Which pockets?*
>
> *A. Jacket pockets.*

If that's true, then it's unlikely Nieto was brandishing a weapon.

SFDPA - 0179-14 - 000136
01/08/2016 4:46 PM

In fact, if he testimony of Theodore, who said he was about 20 feet away on a hiking trail above where the shooting took place, is accurate, police fired on Nieto almost immediately, without giving him a chance to surrender.

— Another witness testified that he never saw Nieto remove the weapon from its holster. And here's from the person who called 911 and reported Nieto to the police:

Q. So you watched him for about three or four minutes?

A. (Nods head.)

Q. During that three or four minutes that you watched Mr. Nieto, you never saw him with a gun; is that correct?

A. Correct.

Q. Now, you mentioned that you heard gunshots, eight or nine gunshots, and then you heard a pause?

A. I believe so.

Q. How long was the pause?

A. Ten or so seconds at the most.

Q. In between that eight or nine gun — strike that. During that ten-or-so-second pause, did you hear any officers giving commands?

A. I did not.

Q. During that ten-or-so-second pause, did you hear Mr. Nieto shouting anything?

A. I did not.

— The police version of events also suggests that Nieto was acting oddly and was aggressive and brandished a weapon at a dog that was being walked on the hill. But there is some indication that the dog owner was predisposed to assume that Nieto was dangerous.

The dog's owner was deposed, and said he made a "quick decision" based on Nieto's clothing – a 49ers jacket – that he was likely a gang member and someone he didn't want to be around. The witness also testified that his dog, a large Siberian Husky who could be aggressive around food, was following Nieto and trying to get the young man's food while the owner was distracted looking at a female jogger's butt.

Later, the dog owner said that Nieto jumped up on a bench, apparently to get away from the dog, and aimed a weapon at the animal. The witness, a civilian, testified that he could tell immediately that Nieto carried a Taser,

SFDPA - 0179-14 - 000137

not a gun.

— One of the officers who shot Nieto testified that he saw what he thought were muzzle flashes from the weapon. He said that Nieto was lying on the ground (after he had been shot several times) and appeared to be firing a pistol. That's impossible – an expert from the Taser company testified that the Taser doesn't create a muzzle flash., or a recoil, or smoke, or any of the other characteristics of a firearm.

Eyewitness testimony in a case like this is always challenging and sometimes contradictory. Things happen fast; people's memories are imperfect.

But the legal evidence certainly suggests that there is a lot more to this story than what the police have said. A federal judge agrees: The city's motion for summary judgment, based on the argument that the officers were telling the truth and acted properly, was denied. The judge agreed that the facts of the case remain in question.

Trial was set for March 1, but the city has asked for a continuance for another week or so. You can get updates here.

The lowrider lawyer movie will be showing again soon; we will keep you posted.

939

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SFDPA - 0179-14 - 000138
01/08/2016 4:46 PM

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

CONFIDENTIALITY STATEMENT
[Standard]

I, the undersigned, understand and agree that the records of the Office of Citizen Complaints ("OCC") are confidential and shall not be disclosed to any person for any reason without the express permission of a court of competent jurisdiction. I will maintain the confidentiality of the file, including the evidence adduced, the testimony of officers, complaints, and witnesses, and the documents and materials produced by the OCC and others.

I also understand, however, that in agreeing to maintain the confidentiality of the file I am not precluded from revealing any of the aforesaid information in another related or collateral Police Commission disciplinary hearing for purposes of impeachment. And, I am not precluded from revealing the information -- consistent with Evidence Code Section 1043 and the court's authority to file documents under seal -- in a judicial or administrative proceeding to the extent necessary to protect the rights of the parties to this hearing.

This agreement shall not preclude me or any other party from using or presenting identical information in a civil or criminal proceeding, or from presenting identical information to the public provided that I have obtained any such evidence independently of the OCC process.

[redacted]

Print [redacted]

Signature

[redacted]

Date

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org/occ

SFDPA - 0179-14 - 000139

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

March 22, 2016

Joyce M. Hicks
Executive Director

[redacted]

RE: OCC Case # 179-14

Dear [redacted]

The Office of Citizen Complaints is investigating the Alejandro Nieto case. I would like to interview you as a witness, which can be done via the telephone or in person.

Please contact me at (415) 241-7711 from 8:30 am to 4:30 pm and if I am not available please ask for Sherry Fletcher, Acting Senior Investigator. Thank you in advance for your assistance in this matter.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

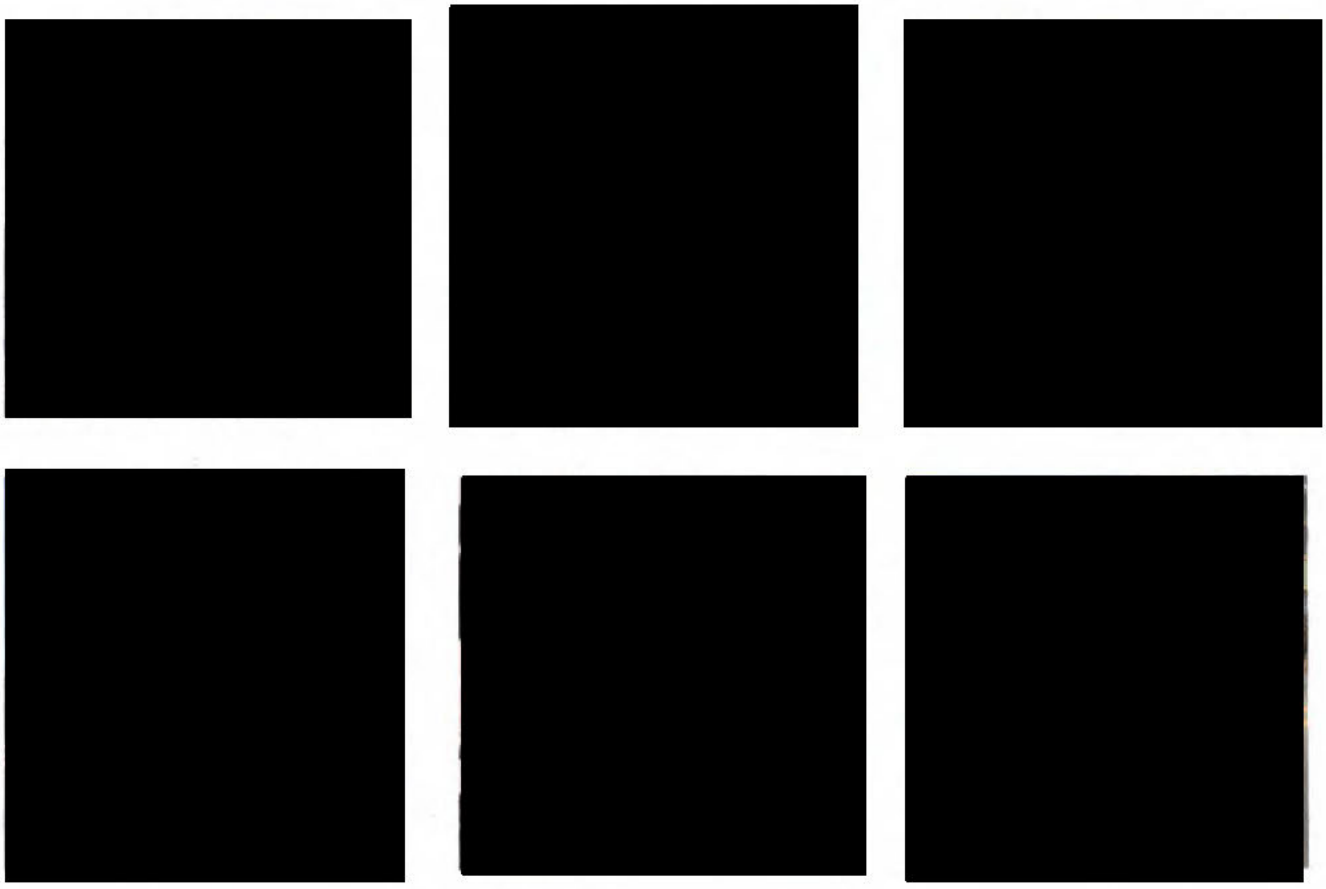
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T: CT15YOCA OSN: 00066 DATE: 03/18/16 TIME: 13:36:10
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FROM: CABLE ISN: 29026 DATE: 03/18/16 TIME: 15:23:19 ADMIN MSG
TO: CT15XOCA OSN: 00074 DATE: 03/18/16 TIME: 15:23:21
ED 15 = INVALID INCIDENT NO QIR

SFDPA - 0179-14 - 000143

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About [redacted]

Page Info

PAGE INFO

Start Date	[redacted]
Genre	[redacted]
Band Members	[redacted] See More
Hometown	San Francisco
Record Label	[redacted]
Short Description	[redacted]
Long Description	[redacted]

Bio	[redacted] See More
Current Location	San Francisco
General Manager	[redacted]
Artists We Also Like	[redacted] See More
Influences	[redacted]. See More
Band Interests	[redacted]
Email	[redacted]
Website	[redacted]
Press Contact	[redacted]
Booking Agent	[redacted]

SFDPA - 0179-14 - 000145

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

[redacted]

Joyce M. Hicks
Executive Director

RE: OCC Case No. 0179-14

Dear [redacted]

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Attachment Enclosed

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Sincerely,

Joyce M. Hicks
Executive Director

JMH: gl
Attachment Enclosed

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

[redacted]

COPY

Joyce M. Hicks
Executive Director

RE: OCC Case No. 0179-14

Dear [redacted]

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's **preliminary** finding as to each allegation:

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THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

[redacted]

COPY

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THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

[redacted]

COPY

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Sincerely,

Joyce M. Hicks
Executive Director

JMH: gl
Attachment Enclosed

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

[redacted]

COPY

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Executive Director

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Executive Director

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Attachment Enclosed

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

COPY

Lieutenant Jason Sawyer #1127
Park Station

Joyce M. Hicks
Executive Director

RE: OCC Case No. 0179-14

Dear Lieutenant Sawyer:

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Joyce M. Hicks
Executive Director

JMH: gl
Attachment Enclosed
cc: Commanding Officer

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

COPY

Officer Nathan Chew #2088
Ingleside Station

Joyce M. Hicks
Executive Director

RE: OCC Case No. 0179-14

Dear Officer Chew:

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Executive Director

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Attachment Enclosed
cc: Commanding Officer

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

Officer Roger Morse #1923
Bayview Station

COPY

Joyce M. Hicks
Executive Director

RE: OCC Case No. 0179-14

Dear Officer Morse:

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's **preliminary** finding as to each allegation:

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Attachment Enclosed
cc: Commanding Officer

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

Officer Richard Schiff #1968
Tenderloin Station

COPY

Joyce M. Hicks
Executive Director

RE: OCC Case No. 0179-14

Dear Officer Schiff:

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's **preliminary** finding as to each allegation:

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Attachment Enclosed
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THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

COPY

Joyce M. Hicks
Executive Director

Lieutenant Robert C. Yick #1264
Internal Affairs Division
1245 3rd Street, 4th Floor
San Francisco, CA 94158

RE: OCC Case No. 0179-14

Dear Lieutenant Yick:

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's **preliminary** finding as to each allegation:

> The allegation of **Conduct Reflecting Discredit on the Department** for behaving inappropriately and making inappropriate comments is **Not Sustained.**

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Attachment Enclosed
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THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 28, 2015

[redacted]

COPY

Joyce M. Hicks
Executive Director

RE: OCC Case No. 0179-14

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OCC-SFPD Document Request and Tracking Form for OIS cases

OCC Case No. 179-14
SFPD Case No. 140240512
OCC Request Date_____
SFPD Response Date_____

OCC Investigator_____
IAD Investigator_____
Homicide Investigator_____

NYA =Not Yet Available NDITC=Not Done In This Case

OIS Documents, Evidence, and Reports	OCC request √	Sent to OCC √	Outstanding Items √	Comments
1. Incident Report (IR)	✓	✓		Requested 3/28 in one Non-Routine Document.
2. IR Attachment(s)	✓	✓		
3. Booked evidence in IR (statements, 849(b) etc.)				
4. IR Supplemental Report(s) & Attachment(s)	✓			
5. Booked evidence listed in Supplemental IR				
6. Use of Force Log	✓	✓		
7. Station Property Log(s)				
8. Crime Scene Log	✓	✓		
9 .Crime Scene Report	✓	✓		
10.Crime Scene Diagram(s)	✓	✓		
11.Crime Scene Photos	✓	✓		
12.Bloodspatter Analysis Report	✓	—		NONE FOR THIS CASE
13.DNA Analysis Report	✓	NDITC		Requested 4/25
14.Videos SFPD made or obtained	✓	ND		
15.Evidence Inventory & Processing (SFPD 235E)	✓			
16.Crime Laboratory Exam. Request (SFPD 64)	✓			
17.Report of Laboratory Exam. (SFPD 64A)	✓			
18.ShotSpotter Detailed Forensic Report (digital copies, including audio)	✓	NDITC		Requested 4/25
19.Training Records of OIS-involved member(s)	✓	✓		Trng Records &
20.Officer Range Summary Report	✓	✓		Homicide Evidence
21.IAD Chronological Reports	✓	✓		
22.Video/audio homicide interview(s)	✓	audio ✓		Requested 5/16
23.Video/audio IAD interview(s)	✓	—		IAD Evidence
24.Homicide interview transcripts	✓	✓		
25.IAD interview transcripts	✓	—		NONE FOR THIS CASE
26.Homicide Inspector(s)' interview notes	✓	✓		
27.IAD Investigator(s)' interview notes	✓	✓		
28.IAD's OIS investigative conclusion report	✓			3/
29.Homicide's OIS investigative conclusion report	✓			
30.District Attorney's Letter of Evaluation of OIS	✓	✓		
31.Medical Examiner's (ME) Register	✓	✓		Requested
32.ME's Investigator's Report	✓	✓		
33.ME's Autopsy Report	✓	✓		5/28/14
34.ME's Toxicology Report	✓	✓		
35.ME's Wound Trajectory Diagrams	✓	—		none made
36.ME's Evidence Log-Release Record	✓	✓		
37.Medical Examiner's Investigator Notes	✓	—		NOT PROVIDED BY ME
38.Medical Examiner's Photos	✓	—		
39.ATF Firearms Worksheet	✓			
40.Firearm Information Report (SFPD 235)		✓		Request 4/25
41. Ballistics and Firearm Reports	✓			
42. Gunshot Residue Analysis Reports	✓			

11/13/12

Criminal History

Permission to search firm

OCC-SFPD Document Request and Tracking Form for OIS cases

OCC Case No. _____ OCC Investigator_____

SFPD Case No. _____ IAD Investigator_____

Homicide Inspector_____

Requested Item	Date of OCC Request	Date Provided to OCC	Outstanding Items (√)	Comments (NYA=not yet available, NA=not applicable)
1. Incident Report (IR)				
2. IR Attachments				
3. Evidence listed in IR (statements, 849(b) etc.)				
4. IR Supplemental Report(s) & Attachments				
5. Evidence listed in Supplemental IR				
7. Use of Force Log				
8. Station Property Log(s)				
9. Crime Scene Log				
10.Crime Scene Report				
11.Crime Scene Diagram(s)				
12.Crime Scene Photos				
13.Bloodstain Analysis Reports				
14.DNA Analysis Reports 15.Total Station footage				
16.Videos SFPD made or obtained				
17.Evidence Inventory & Processing (SFPD 235E)				
18.Crime Laboratory Exam. Request (SFPD 64)				
19.Report of Laboratory Exam. (SFPD 64A)				
20.Shot Spotter Detailed Forensic Report				*color copy
21.Training Records of OIS-involved member(s)				
22.Officer Range Summary Report				
23.IAD Chronological Reports				
24.Video/audio homicide interview(s)				
25.Video/audio IAD interview(s)				
26.Homicide interview transcripts				
27.IAD interview transcripts				
28.Homicide Inspector(s)' interview notes				
29.IAD Investigator(s)' interview notes				
30.IAD's OIS investigative report& findings				
31.Homicide's OIS investigative report &findings				
32. District Attorney's Letter of Evaluation of OIS				
33.Medical Examiner's Register				
34.Medical Examiner Investigator's Report				
35.Autopsy Report				
36.Toxicology Report				
37.Wound Trajectory Diagrams				
38.Evidence Log				
39.Medical Examiner's Property Receipt				
40.Medical Examiner's Photos				
41.ATF Firearms Worksheet				
42.Firearm Information Report (SFPD 235)				
43. Ballistics and Firearm Reports				
44. Gunshot Residue Analysis Reports				
45. Homicide Chronological Reports				
46. Mugshots				

OCC-SFPD Document Request and Tracking Form for OIS cases

OCC Case No. _____ OCC Investigator_____

SFPD Case No. _____ IAD Investigator_____

Homicide Inspector_____

Requested Item	Date of OCC Request	Date Provided to OCC	Outstanding Items (√)	Comments (NYA=not yet available, NA=not applicable)
47. Criminal Histories				
~~48.~~ MVT Messages relating to this event				
49. .San Francisco Field Arrest Card				
~~50.~~ Gunshot Residue Data Sheet				
51. Permission To Search (form)				
~~52.~~ Materials presented to Firearm Discharge Review Board (FDRB)	✓			
53. FDRB's findings & recommendations				

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Wednesday, March 26, 2014

179-14

Complaint Against: Personnel ☑ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☑ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

(2) **Primary Complainant:** ○ **Co-Complainant**

[redacted]

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

Street Apartment

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:

Street Apartment

City State Zip

(3) **Personal Information**

Age: Date of Birth: [redacted]

Sex: M

Ethnicity: Chicano

Occupation: United Airlines

(4) **Telephone Numbers:**

Home: [redacted]

Work: ( )

(5) **Location of Occurrence:** Northside of Bernal Hill

(6) **Type of Place** 05

(7) **District** H

(8) **Day, Date, & Time Of Occurrence:** Friday March 21, 2014 7:10 A.M. / (P.M.) (Circle one)

(9) **Incident Report or Citation No** 140 240 512

(10) SECONDARY COMPLAINANT? Yes ☐ No ☑ Witnesses? Yes ☐ No ☑ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☑ No ☐ Criminal Case Pending in Relation to this matter? Yes ☐ No ☑

(11) Injuries Claimed? Yes ☐ No ☑ Injuries Visible? Yes ☐ No ☑ Drug/Alcohol Related? Yes ☐ No ☑

Photos Taken? Yes ☐ No ☑ By: Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: Medical Release Signed? Yes ☐ No ☑

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth

Police Commission for the City and County of San Francisco

OFFICE OF CITIZEN COMPLAINTS

~CITIZEN COMPLAINT FORM~

INSTRUCTIONS FOR COMPLETION OF THE CITIZEN COMPLAINT FORM:

Please answer questions in blocks 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Leave all other blocks blank unless you know the information requested. Please **print** all information in **English**. If you do not have a telephone number, enter a message number or the number of a neighbor, friend or relative in block 4. If witnesses are available, write their names, addresses and telephone numbers on a separate sheet of paper and attach it to your complaint. Do not write them on the complaint form. If you do not know the officers name or badge number, include a complete physical description in the narrative (22). **Print** your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint against each officer. Include who, what, where, when and why. If you need additional space, use separate sheets of paper and attach them to the complaint. **YOUR STATEMENT MUST BE A TRUE AND ACCURATE ACCOUNT OF THE INCIDENT** to the best of your knowledge and belief, and must be signed by you in block 22. If you have questions or need help, please call the OCC at (415) 241-7711, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. You may also contact your local neighborhood center for help. Interpreters can be provided at no charge.

填寫公民投訴書說明：

請回答第 2 ， 3 ， 4 ， 5 ， 8 ， 11 ， 15 ， 17 ， 20 ， 21 及22項問題。除非您知道我們所要求的資料，否則請將其他各項留空。所有資料，務請**以正楷填寫清楚**。如果您沒有電話號碼，請在第 4 項填上有可能聯絡您的電話號碼，或鄰居、親戚、朋友的號碼。如果有證人，請用另一張紙寫上他們的姓名，地址及電話，和投訴書夾在一起；切勿寫在投訴書上。如果你不知道涉及事件的警務人員姓名或編號，請將該員的身體特徵，**以正楷**詳盡寫在第22項上。請清楚說明事件的過程，及投訴的類別，包括涉及何人、何事、何處、何時及何由。如您認爲投訴書不夠您填寫，可以另紙填寫資料，夾在投訴書上。**您應根據您所知道及所相信的事實填寫資料，必須眞實及正確**；填妥請在第 22頁簽名。如有疑問或需要幫助，請在上午八時至下午五時，致電 415-241-7711,「公民投訴組」，或在下午五時後，在該組的電話錄音機上留言。您亦可以與有免費翻譯員服務的「華埠建民中心」求助，電話415-391-5099。

INSTRUCCIONES PARA LLENAR EL FORMULARIO DE QUEJAS DE LOS CIUDADANOS: Por favor conteste las preguntas de las casillas 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Deje sin contestar las demas preguntas a menos que sepa la información solicitada. El formulario debe ser contestado en **Ingles**. Si usted no tiene telefono escriba en la casilla 4 el número de un servicio de mensajes, o el de un vecino, amigo o pariente. Escriba en una hoja separada los nombres, direcciones y telefonos de los testigos (si los hay), y adjunte ésta información al formulario. En caso de que no conozca el nombre o número de insignia de los oficiales, incluya una descripción fisica completa (22). Describa los hechos en forma completa, sea especifico. Incluya quien, que, donde, cuando y porque. Su declaración debe ser un recuento exacto y verdadero del incidente y debe estar firmada por usted (22). Para pedir información o solicitar ayuda visite nuestras oficinas locales o llamenos al numero (415) 241-7711, de 8:00 AM - 5:00 PM. El servicio de interpretacion es gratis. Formularios tambien pueden ser obtenidos en La Raza Information Center-- (415) 863-0764.

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SFDPA - 0179-14 - 000190

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OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO, CA.

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
875 Stevenson Street, Room 125
San Francisco, CA 94103-0917

OCC#179-14

(22) NARRATIVE OF INCIDENT:

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date: 8/13/15

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1. Day, Date & Time Complaint Received: Wednesday 3-26-14

				1	7	9	-	1	4				

Complaint Against: Personnel [✓] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

2. **Primary Complainant:** [X] **Co-Complainant**

[redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

3. **Personal Information**

Age: ____ Date of Birth: [redacted]

Sex: F

Ethnicity: Latina

Occupation: Legal assistant

4. **Telephone Numbers:**

Home: (C) [redacted]

Work: (____) ____

5. **Location of Occurrence:** Bernal Heights Park

6. **Type of Place** Park

7. **District** H

8. **Day, Date, & Time Of Occurrence:** Friday March 21, 2014 at 7:00 A.M. / (P.M.) (Circle one)

9. **Incident Report or Citation No**

10. **SECONDARY COMPLAINANT?** Yes [✓] No [ ] **Witnesses?** Yes [ ] No [✓] (If "Yes", attach separate sheet of paper.)
Taped Interview? Yes [✓] No [ ] **Criminal Case Pending in Relation to this matter?** Yes [ ] No [✓]

11. **Injuries Claimed?** Yes [ ] No [✓] **Injuries Visible?** Yes [ ] No [✓] **Drug/Alcohol Related?** Yes [ ] No [✓]
Photos Taken? Yes [ ] No [✓] **By:** Photo Lab [ ] O.C.C. [ ] Other: ____
Type of Injury: **Medical Release Signed?** Yes [ ] No [✓]

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

Police Commission for the City and County of San Francisco

OFFICE OF CITIZEN COMPLAINTS

~CITIZEN COMPLAINT FORM~

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SFPD/OCC FORM 293

SFDPA - 0179-14 - 000194

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OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

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BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO, CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
875 Stevenson Street, Room 125
San Francisco, CA 94103-0917

SFDPA - 0179-14 - 000195

OCC#179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date: 8/13/15

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Wednesday March 26, 2014

		1	7	9	-	1	4						

Complaint Against: Personnel [✓] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

(2) **Primary Complainant:** ○ **Co-Complainant**

[redacted] [redacted]

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

Street Apartment

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:

Street Apartment

City State Zip

(3) **Personal Information**

Age: Date of Birth: [redacted]

Sex: F

Ethnicity: Nicaragua

Occupation: Dir. Medicaid

(4) **Telephone Numbers:**

Home: ( ) [redacted]

Work: ( )

(5) **Location of Occurrence:** Bernal Hill Park

(6) **Type of Place:** Park

(7) **District:** H

(8) **Day, Date, & Time Of Occurrence:** Friday 3-21-14 5:00 A.M. (P.M.) (Circle one)

(9) **Incident Report or Citation No**

(10) **SECONDARY COMPLAINANT?** Yes [✓] No [ ] **Witnesses?** Yes [ ] No [✓] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [✓] No [ ] **Criminal Case Pending in Relation to this matter?** Yes [ ] No [✓]

(11) **Injuries Claimed?** Yes [ ] No [✓] **Injuries Visible?** Yes [ ] No [✓] **Drug/Alcohol Related?** Yes [ ] No [✓]

Photos Taken? Yes [ ] No [✓] **By:** Photo Lab [ ] O.C.C. [ ] Other:

Type of Injury:

Medical Release Signed? Yes [ ] No [ ]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

Police Commission for the City and County of San Francisco

OFFICE OF CITIZEN COMPLAINTS

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SFDPA - 0179-14 - 000198

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OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO, CA.

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
875 Stevenson Street, Room 125
San Francisco, CA 94103-0917

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT. SPANISH

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-26-14
Assigned Investigator/Date: H. Calderon 3-26-14	Closure Approval/Date: 8/13/15

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Thurs 3/27/14 9:15 AM

				1	7	9	-	1	4					

Complaint Against: Personnel [X] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [X] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

(2) **Primary Complainant:** ● **Co-Complainant**

[redacted] [redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

(3) **Personal Information**

Age: 28 Date of Birth: [redacted]

Sex: F

Ethnicity: H

Occupation: student

(4) **Telephone Numbers:**

Home: [redacted]

Work: ( )

(5) **Location of Occurrence:** Bernal Heights Park

(6) **Type of Place:** public park

(7) **District:** H

(8) **Day, Date, & Time Of Occurrence:** Friday 3/21/14

A.M. / P.M. (Circle one)

(9) **Incident Report or Citation No:** 140 240512

(10) **SECONDARY COMPLAINANT?** Yes [X] No [ ] **Witnesses?** Yes [ ] No [ ] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [X]

(11) Injuries Claimed? Yes [ ] No [ ] Injuries Visible? Yes [ ] No [ ] Drug/Alcohol Related? Yes [ ] No [X]

Photos Taken? Yes [ ] No [X] By: Photo Lab [ ] O.C.C. [ ] Other:

Type of Injury: Medical Release Signed? Yes [ ] No [X]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

Police Commission for the City and County of San Francisco

OFFICE OF CITIZEN COMPLAINTS

~CITIZEN COMPLAINT FORM~

INSTRUCTIONS FOR COMPLETION OF THE CITIZEN COMPLAINT FORM:

Please answer questions in blocks 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Leave all other blocks blank unless you know the information requested. Please **print** all information in **English**. If you do not have a telephone number, enter a message number or the number of a neighbor, friend or relative in block 4. If witnesses are available, write their names, addresses and telephone numbers on a separate sheet of paper and attach it to your complaint. Do not write them on the complaint form. If you do not know the officers name or badge number, include a complete physical description in the narrative (22). **Print** your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint against each officer. Include who, what, where, when and why. If you need additional space, use separate sheets of paper and attach them to the complaint. **YOUR STATEMENT MUST BE A TRUE AND ACCURATE ACCOUNT OF THE INCIDENT** to the best of your knowledge and belief, and must be signed by you in block 22. If you have questions or need help, please call the OCC at (415) 241-7711, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. You may also contact your local neighborhood center for help. Interpreters can be provided at no charge.

填寫公民投訴書說明：

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SFDPA - 0179-14 - 000202

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OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

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IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
101 South Van Ness Avenue
San Francisco, CA 94103-9868

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: Inv. Mary Ivas 3/27/14
Assigned Investigator/Date:	Closure Approval/Date: 8/13/15

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Thurs 3/27/14 2:15 PM

[ ][ ]-[1][7]-[9]-[1][4]-[ ][ ]

Complaint Against: Personnel [X] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [X] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

(2) **Primary Complainant:** ● **Co-Complainant**

[redacted]

Last Name / First Name / Middle Initial

HOME ADDRESS: [redacted]

Street / Apartment

[redacted] / [redacted] / [redacted]

City / State / Zip

WORK ADDRESS: _____

Street / Apartment

City / State / Zip

(3) **Personal Information**

Age: ____ Date of Birth: [redacted]

Sex: M

Ethnicity: Latino

Occupation: _____

(4) **Telephone Numbers:**

Home: [redacted]

Work: (____) _____

(5) **Location of Occurrence:** Bernal Heights Park

(6) **Type of Place** Park

(7) **District** H

(8) **Day, Date, & Time Of Occurrence:** 3/21/14 **A.M. / P.M.** (Circle one)

(9) **Incident Report or Citation No** 140240512

(10) **SECONDARY COMPLAINANT?** Yes [X] No [ ] **Witnesses?** Yes [ ] No [X] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] **Criminal Case Pending in Relation to this matter?** Yes [ ] No [X]

(11) **Injuries Claimed?** Yes [ ] No [ ] **Injuries Visible?** Yes [ ] No [ ] **Drug/Alcohol Related?** Yes [ ] No [X]

Photos Taken? Yes [ ] No [ ] **By:** Photo Lab [ ] O.C.C. [ ] Other: _____

Type of Injury: **Medical Release Signed?** Yes [ ] No [X]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

Police Commission for the City and County of San Francisco

OFFICE OF CITIZEN COMPLAINTS

~CITIZEN COMPLAINT FORM~

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SFPD/OCC FORM 293

SFDPA - 0179-14 - 000206

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OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
101 South Van Ness Avenue
San Francisco, CA 94103-9868

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: M. Ivas 3/27/14
Assigned Investigator/Date:	Closure Approval/Date: 8/13/15

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1. Day, Date & Time Complaint Received: Thursday 3/27/14

[ ] - [ ] 1 7 9 - 1 4 [ ] [ ]

Complaint Against: Personnel [✓] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

2. **Primary Complainant:** ⊗ **Co-Complainant**

[redacted] [redacted]

Last Name First Name Middle Initial

HOME ADDRESS: [redacted]

[redacted] [redacted] [redacted]

City State Zip

WORK ADDRESS:

Street Apartment

City State Zip

3. **Personal Information**

Age: Date of Birth: [redacted]

Sex: F

Ethnicity: Mexicana

Occupation:

4. **Telephone Numbers:**

Home: ( ) [redacted]

Work: ( )

5. **Location of Occurrence:** Bernal Heights Park

6. **Type of Place:** Park

7. **District:** H

8. **Day, Date, & Time Of Occurrence:** 3/21/14 **A.M. / P.M.** (Circle one)

9. **Incident Report or Citation No:** 140240512

10. **SECONDARY COMPLAINANT?** Yes [✓] No [ ] **Witnesses?** Yes [ ] No [X] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [✓] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [X]

11. Injuries Claimed? Yes [ ] No [X] Injuries Visible? Yes [ ] No [X] Drug/Alcohol Related? Yes [ ] No [X]

Photos Taken? Yes [ ] No [X] By: Photo Lab [ ] O.C.C. [ ] Other:

Type of Injury: Medical Release Signed? Yes [ ] No [X]

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

SFDPA - 0179-14 - 000209

Police Commission for the City and County of San Francisco

OFFICE OF CITIZEN COMPLAINTS

~CITIZEN COMPLAINT FORM~

INSTRUCTIONS FOR COMPLETION OF THE CITIZEN COMPLAINT FORM:

Please answer questions in blocks 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Leave all other blocks blank unless you know the information requested. Please **print** all information in **English**. If you do not have a telephone number, enter a message number or the number of a neighbor, friend or relative in block 4. If witnesses are available, write their names, addresses and telephone numbers on a separate sheet of paper and attach it to your complaint. Do not write them on the complaint form. If you do not know the officers name or badge number, include a complete physical description in the narrative (22). **Print** your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint against each officer. Include who, what, where, when and why. If you need additional space, use separate sheets of paper and attach them to the complaint. **YOUR STATEMENT MUST BE A TRUE AND ACCURATE ACCOUNT OF THE INCIDENT** to the best of your knowledge and belief, and must be signed by you in block 22. If you have questions or need help, please call the OCC at (415) 241-7711, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. You may also contact your local neighborhood center for help. Interpreters can be provided at no charge.

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SFDPA - 0179-14 - 000210

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OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO, CA.

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
875 Stevenson Street, Room 125
San Francisco, CA 94103-0917

SFDPA - 0179-14 - 000211

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT. Spanish

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3-27-14
Assigned Investigator/Date: H. Calderon 3-27-14	Closure Approval/Date: 8/13/15

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Friday, March 28, 2014

		1	7	9	1	4		

Complaint Against: Personnel ☑ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☑ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)_____

(2) **Primary Complainant:** ⊗ **Co-Complainant**

[redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:_____
Street Apartment

City State Zip

(3) **Personal Information**

Age:_____ Date of Birth: [redacted]

Sex: F

Ethnicity: Mexican

Occupation: Writer/Legalresearch

(4) **Telephone Numbers:**

Home: (C) [redacted]

Work: (_____)_____

(5) **Location of Occurrence:** Bernal Hill Park

(6) **Type of Place** Park

(7) **District** 11

(8) **Day, Date, & Time Of Occurrence:** 3/21/14 ✓ 7:10 A.M. / P.M. (Circle one)

(9) **Incident Report or Citation No** 140 240 512

(10) **SECONDARY COMPLAINANT?** Yes ☑ No ☐ **Witnesses?** Yes ☐ No ☑ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☑ No ☐ **Criminal Case Pending in Relation to this matter?** Yes ☐ No ☒

(11) **Injuries Claimed?** Yes ☐ No ☒ **Injuries Visible?** Yes ☐ No ☒ **Drug/Alcohol Related?** Yes ☐ No ☒

Photos Taken? Yes ☐ No ☒ **By:** Photo Lab ☐ O.C.C. ☐ **Other:**_____

Type of Injury: **Medical Release Signed?** Yes ☐ No ☒

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

Police Commission for the City and County of San Francisco

OFFICE OF CITIZEN COMPLAINTS

~CITIZEN COMPLAINT FORM~

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PARAAN NG PAGSAGOT SA PORMANG ITO (CITIZEN COMPLAINT o REKLAMO NG MAMAMAYAN) Mangyaring sagutin ang mga tanong sa blokeng 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 , at 22. . Kung wala kayo ng impormasyon hinihingi dito, paki-iwanan blanko ang blokeng hindi masagot. **Paki-limbag ang lahat na sagot ninyo.** Kung wala kayong telepono, paki-sulat lang ang inyong "message number", o ang numero ng inyong kapit-bahay, kaibigan, o kamaganak. Kung mayroon kayong mga saksi o testigo, isulat sa ibang papel ang kanilang mga pangalan, mga tirahan, at mga telepono at ikabit ito sa reklamo ninyo. Huwag gagamitin ang pormang ito. Kung hindi ninyo alam ang pangalan ng pulis o ang numero ng kanyang tsapa, isama sa inyong salaysay ang hitsura at pagmumukha ng pulis. Ilimbag ang inyong salaysay. Liwanagin lahat ang nangyari magmula sa umpisa hanggang sa katapusan. Tiyakin o siguraduhin ang inyong sinusumbong o renireklamo. Sabihin o ilarawan kung sino, ano, saan, kailan at bakit sa pangyayari. Kung kulang ang pagsusulatan dito gumamit ng ibang papel at ikabit ito sa sumbong ninyo. Sa inyong kaalaman at paniniwala, ang inilahad ninyong nangyari ay dapat lubos na katotohanan at walang kamali-mali at kailangan ninyong pirmahan ang sumbong ito sa blokeng bilang 22. Itanong sa amin kung alinman dito ang hindi maliwanag sa inyo. Kung kailangan ninyo ng tulong, paki-tawagan kami, OCC, telepono (415) 241-7711. Maaring tawagan din ninyo ang Philippinies American Consul sa telepono(415) 626-0773 sa pagitan ng alas--otso ng umaga at alas--singko ng hapon o mag-iwan ng pahatid o "message" sa aming "answering service" paglampas dng alas--singko ng hapon.

SFDPA - 0179-14 - 000214

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在您填妥本投訴書後，請沿摺線摺妥（地址在外），投入郵箱，寄回「公民投訴組」。在美國境內寄出，不需郵費。

Despues de completar la forma,doblela sobre las lineas marcadas y depositela en el buzon. No necesita estampilla (sello postal).

Matapos buuin ang pormang ito, tiklupin sa mga linyang nakatatak sa baba upang makita sa labas ang aming "address". Ihulog sa anumang buson o "mailbox". Hindi kailangan ng selyo kung ipadadala lang sa loob ng America.

OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO, CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
875 Stevenson Street, Room 125
San Francisco, CA 94103-0917

SFDPA - 0179-14 - 000215

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: H. Calderon 3/28/14
Assigned Investigator/Date:	Closure Approval/Date: 8/13/15

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1. Day, Date & Time Complaint Received: Friday, March 28, 2014

		-		1	7	9	-	1	4	-			

Complaint Against: Personnel ☑ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☑ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

2. **Primary Complainant:** ☒ **Co-Complainant**

[redacted] [redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

3. **Personal Information**

Age: ____ Date of Birth: [redacted]

Sex: F

Ethnicity: Guatemala

Occupation: Retired

4. **Telephone Numbers:**

Home: [redacted]

Work: (____)

5. **Location of Occurrence:** Bernal Heights Park

6. **Type of Place:** Park

7. **District:** H

8. **Day, Date, & Time Of Occurrence:** 3/21/14 **A.M. / P.M.** (Circle one)

9. **Incident Report or Citation No:** 140 240 572

10. **SECONDARY COMPLAINANT?** Yes ☒ No ☐ **Witnesses?** Yes ☐ No ☐ (If "Yes", attach separate sheet of paper.)
Taped Interview? Yes ☒ No ☐ Criminal Case Pending in Relation to this matter? Yes ☐ No ☒

11. Injuries Claimed? Yes ☐ No ☐ Injuries Visible? Yes ☐ No ☐ Drug/Alcohol Related? Yes ☐ No ☒
Photos Taken? Yes ☐ No ☐ By: Photo Lab ☐ O.C.C. ☐ Other:
Type of Injury: Medical Release Signed? Yes ☐ No ☒

12 Activity	13 Type	14 DISP.	15 Uniform Yes	15 Uniform No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
						See ACF				

Police Commission for the City and County of San Francisco

OFFICE OF CITIZEN COMPLAINTS

~CITIZEN COMPLAINT FORM~

INSTRUCTIONS FOR COMPLETION OF THE CITIZEN COMPLAINT FORM:

Please answer questions in blocks 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Leave all other blocks blank unless you know the information requested. Please **print** all information in **English**. If you do not have a telephone number, enter a message number or the number of a neighbor, friend or relative in block 4. If witnesses are available, write their names, addresses and telephone numbers on a separate sheet of paper and attach it to your complaint. Do not write them on the complaint form. If you do not know the officers name or badge number, include a complete physical description in the narrative (22). **Print** your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint against each officer. Include who, what, where, when and why. If you need additional space, use separate sheets of paper and attach them to the complaint. **YOUR STATEMENT MUST BE A TRUE AND ACCURATE ACCOUNT OF THE INCIDENT** to the best of your knowledge and belief, and must be signed by you in block 22. If you have questions or need help, please call the OCC at (415) 241-7711, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. You may also contact your local neighborhood center for help. Interpreters can be provided at no charge.

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SFDPA - 0179-14 - 000218

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OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
101 South Van Ness Avenue
San Francisco, CA 94103-9868

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(22) NARRATIVE OF INCIDENT:

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☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date:
Assigned Investigator/Date:	Closure Approval/Date: 8/13/15

SFDPA - 0179-14 - 000220

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Thurs 3/27/14

			1	7	9	1	4						

Complaint Against: Personnel ☒ Policy ☒ Procedure ☐

How Received: Person ☐ Phone ☒ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify)

(2) **Primary Complainant:** ○ **Co-Complainant**

[redacted] [redacted]
Last Name First Name Middle Initial

HOME ADDRESS: [redacted]
Street Apartment

[redacted] [redacted] [redacted]
City State Zip

WORK ADDRESS:
Street Apartment

City State Zip

(3) **Personal Information**

Age: 38 Date of Birth: [redacted]

Sex: M

Ethnicity: Latino

Occupation:

(4) **Telephone Numbers:**

Home: [redacted]

Work: ( )

(5) **Location of Occurrence:** Bernal Heights Park

(6) **Type of Place** Park

(7) **District** H

(8) **Day, Date, & Time Of Occurrence:** 3/21/14 **A.M. / P.M.** (Circle one)

(9) **Incident Report or Citation No** 140 240 572

(10) **SECONDARY COMPLAINANT?** Yes ☒ No ☐ **Witnesses?** Yes ☐ No ☒ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☒ No ☐ **Criminal Case Pending in Relation to this matter?** Yes ☐ No ☒

(11) **Injuries Claimed?** Yes ☐ No ☐ **Injuries Visible?** Yes ☐ No ☐ **Drug/Alcohol Related?** Yes ☐ No ☒

Photos Taken? Yes ☐ No ☐ **By:** Photo Lab ☐ O.C.C. ☐ **Other:**

Type of Injury: **Medical Release Signed?** Yes ☐ No ☒

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth

Police Commission for the City and County of San Francisco

OFFICE OF CITIZEN COMPLAINTS

~CITIZEN COMPLAINT FORM~

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請回答第 2 ， 3 ， 4 ， 5 ， 8 ， 11 ， 15 ， 17 ， 20 ， 21 及22項問題。除非您知道我們所要求的資料，否則請將其他各項留空。所有資料，務請**以正楷填寫清楚**。如果您沒有電話號碼，請在第 4 項填上有可能聯絡您的電話號碼，或鄰居、親戚、朋友的號碼。如果有證人，請用另一張紙寫上他們的姓名，地址及電話，和投訴書夾在一起；切勿寫在投訴書上。如果你不知道涉及事件的警務人員姓名或編號，請將該員的身體特徵，**以正楷**詳盡寫在第22項上。請清楚說明事件的過程，及投訴的類別，包括涉及何人、何事、何處、何時及何由。如您認爲投訴書不夠您填寫，可以另紙填寫資料，夾在投訴書上。**您應根據您所知道及所相信的事實填寫資料，必須眞實及正確**；填妥請在第 22頁簽名。如有疑問或需要幫助，請在上午八時至下午五時，致電 415-241-7711,「公民投訴組」，或在下午五時後，在該組的電話錄音機上留言。您亦可以與有免費翻譯員服務的「華埠建民中心」求助，電話415-391-5099。

INSTRUCCIONES PARA LLENAR EL FORMULARIO DE QUEJAS DE LOS CIUDADANOS: Por favor conteste las preguntas de las casillas 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Deje sin contestar las demas preguntas a menos que sepa la información solicitada. El formulario debe ser contestado en **Ingles**. Si usted no tiene telefono escriba en la casilla 4 el número de un servicio de mensajes, o el de un vecino, amigo o pariente. Escriba en una hoja separada los nombres, direcciones y telefonos de los testigos (si los hay), y adjunte ésta información al formulario. En caso de que no conozca el nombre o número de insignia de los oficiales, incluya una descripción fisica completa (22). Describa los hechos en forma completa, sea especifico. Incluya quien, que, donde, cuando y porque. Su declaración debe ser un recuento exacto y verdadero del incidente y debe estar firmada por usted (22). Para pedir información o solicitar ayuda visite nuestras oficinas locales o llamenos al numero (415) 241-7711, de 8:00 AM - 5:00 PM. El servicio de interpretacion es gratis. Formularios tambien pueden ser obtenidos en La Raza Information Center-- (415) 863-0764.

PARAAN NG PAGSAGOT SA PORMANG ITO (CITIZEN COMPLAINT o REKLAMO NG MAMAMAYAN) Mangyaring sagutin ang mga tanong sa blokeng 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 , at 22. . Kung wala kayo ng impormasyon hinihingi dito, paki-iwanan blanko ang blokeng hindi masagot. **Paki-limbag ang lahat na sagot ninyo.** Kung wala kayong telepono, paki-sulat lang ang inyong "message number", o ang numero ng inyong kapit-bahay, kaibigan, o kamaganak. Kung mayroon kayong mga saksi o testigo, isulat sa ibang papel ang kanilang mga pangalan, mga tirahan, at mga telepono at ikabit ito sa reklamo ninyo. Huwag gagamitin ang pormang ito. Kung hindi ninyo alam ang pangalan ng pulis o ang numero ng kanyang tsapa, isama sa inyong salaysay ang hitsura at pagmumukha ng pulis. Ilimbag ang inyong salaysay. Liwanagin lahat ang nangyari magmula sa umpisa hanggang sa katapusan. Tiyakin o siguraduhin ang inyong sinusumbong o renireklamo. Sabihin o ilarawan kung sino, ano, saan, kailan at bakit sa pangyayari. Kung kulang ang pagsusulatan dito gumamit ng ibang papel at ikabit ito sa sumbong ninyo. Sa inyong kaalaman at paniniwala, ang inilahad ninyong nangyari ay dapat lubos na katotohanan at walang kamali-mali at kailangan ninyong pirmahan ang sumbong ito sa blokeng bilang 22. Itanong sa amin kung alinman dito ang hindi maliwanag sa inyo. Kung kailangan ninyo ng tulong, paki-tawagan kami, OCC, telepono (415) 241-7711. Maaring tawagan din ninyo ang Philippinies American Consul sa telepono (415) 626-0773 sa pagitan ng alas--otso ng umaga at alas--singko ng hapon o mag-iwan ng pahatid o "message" sa aming "answering service" paglampas dng alas--singko ng hapon.

SFPD/OCC FORM 293

SFDPA - 0179-14 - 000222

After you have completed this form, return it to the Office of Citizen Complaints by folding it along the lines below so that the address shows on the outside. Drop in any mailbox. NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES.

在您填妥本投訴書後，請沿摺線摺妥（地址在外），投入郵箱，寄回「公民投訴組」。在美國境內寄出，不需郵費。

Despues de completar la forma,doblela sobre las lineas marcadas y depositela en el buzon. No necesita estampilla (sello postal).

Matapos buuin ang pormang ito, tiklupin sa mga linyang nakatatak sa baba upang makita sa labas ang aming "address". Ihulog sa anumang buson o "mailbox". Hindi kailangan ng selyo kung ipadadala lang sa loob ng America.

OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
101 South Van Ness Avenue
San Francisco, CA 94103-9868

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:	Taken By (Name/#/Unit)/Date: Mary Ivcs 3/27/14
Assigned Investigator/Date:	Closure Approval/Date: 8/13/15

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Friday, March 28, 2014 — 1 7 9 1 4

Complaint Against: Personnel ☑ Policy ☐ Procedure ☑

How Received: Person ☐ Phone ☐ Letter ☐ SFPD ☐ Mail-In ☐ Other ☒: (specify) FAX

(2) Primary Complainant: ○ Co-Complainant

[redacted] on behalf of Alejandro Nieto

Last Name / First Name / Middle Initial

HOME ADDRESS: Street / Apartment

City / State / Zip

WORK ADDRESS: [redacted] Street / Apartment

[redacted] City / [redacted] State / [redacted] Zip

(3) Personal Information

Age: 24 Date of Birth:

Sex: M

Ethnicity: Latino

Occupation: Security Guard/Student

(4) Telephone Numbers:

Home: ( )

Work: [redacted]

(5) Location of Occurrence: Bernal Heights Park

(6) Type of Place: Public Park

(7) District: H

(8) Day, Date, & Time Of Occurrence: March 21, 2014 @ 7pm A.M. (P.M.) (Circle one)

(9) Incident Report or Citation No: 140 240 512

(10) SECONDARY COMPLAINANT? Yes ☐ No ☐ Witnesses? Yes ☐ No ☐ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☐ No ☐ Criminal Case Pending In Relation to this matter? Yes ☐ No ☑

(11) Injuries Claimed? Yes ☑ No ☐ Injuries Visible? Yes ☑ No ☐ Drug/Alcohol Related? Yes ☐ No ☐

Photos Taken? Yes ☐ No ☐ By: Photo Lab ☐ O.C.C. ☐ Other:

Type of Injury: shooting death Medical Release Signed? Yes ☐ No ☐

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
			?	?		Officers' names are unknown, as SFPD has refused to release their names.			?	?

OCC# 179-14

(22) NARRATIVE OF INCIDENT:

SFPD Officers shot and killed Alejandro Nieto on Friday March 21st, 2014 at approximately 7pm.

Police were reportedly responding to a call about a man with a gun in his holster.

Officers arrived and confronted Mr. Nieto.

Mr. Nieto was shot multiple times and was not armed with a gun but A taser.

A taser he was lawfully Allowed to carry and used for his job as A security guard which he was intending to go to After he finished his meal.

Officers may have used: excessive force; improper procedure/tactics; And Falsified Officer reports to cover up their misconduct.

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

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☑ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT. ☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date: [redacted] 3-8/14	Taken By (Name/#/Unit)/Date:
Assigned Investigator/Date:	Closure Approval/Date: 8/13/15

[redacted]

[redacted]

Fax

To: Office of Citizens Complaints **From:** [redacted]

Fax: [redacted] **Date:** March 28, 2014

Phone: **Pages:**

Re: Complaint for Officer Involved Shooting Death of Mr. Alejandro Nieto **CC:**

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•Comments:

NOTICE:

This facsimile transmission and any documents, files or correspondence attached to it, are confidential and are protected by the attorney-client privilege and/or work product doctrine. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of any of the information contained in, or attached to, this facsimile transmission is strictly prohibited. If you have received this transmission in error, please notify us and then destroy and/or shred the facsimile and its attachments.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANTS: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF	PC	X		Q62	Jason Sawyer # 1127	3H104	[redacted]	M	W
	ND	PC								
	ND	PC								

The complainant and co-complainants stated the officers used excessive force when they shot and killed Alejandro Nieto. Co-complainant's stated that the officers did not investigate the call prior to shooting Nieto, did not recognize the yellow stripes on the Taser, and did not issue verbal warnings prior to shooting Nieto.

ALLEGATIONS:

1. Unnecessary Force: Use of excessive force.
2. Neglect of Duty: Failure to properly investigate.
3. Neglect of Duty: Failure to take required action.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANTS: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF	PC	X		Q2	Nathan L. Chew # 2088	3H15D	[redacted]	M	A
	ND	PC								
	ND	PC								

The complainant and co-complainants stated the officers used excessive force when they shot and killed Alejandro Nieto. Co-complainant's stated that the officers did not investigate the call prior to shooting Nieto, did not recognize the yellow stripes on the Taser, and did not issue verbal warnings prior to shooting Nieto.

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3. Neglect of Duty: Failure to take required action.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANTS: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF	PC	X		Q3	Roger Morse # 1923	3H15D	[redacted]	M	W
	ND	PC								
	ND	PC								

The complainant and co-complainants stated the officers used excessive force when they shot and killed Alejandro Nieto. Co-complainant's stated that the officers did not investigate the call prior to shooting Nieto, did not recognize the yellow stripes on the Taser, and did not issue verbal warnings prior to shooting Nieto.

ALLEGATIONS:

1. Unnecessary Force: Use of excessive force.
2. Neglect of Duty: Failure to properly investigate.
3. Neglect of Duty: Failure to take required action.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANTS: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	UF	PC	X		Q2	Richard Schiff # 1968	3H	[redacted]	M	W
	ND	PC								
	ND	PC								

The complainant and co-complainants stated the officers used excessive force when they shot and killed Alejandro Nieto. Co-complainant's stated that the officers did not investigate the call prior to shooting Nieto, did not recognize the yellow stripes on the Taser, and did not issue verbal warnings prior to shooting Nieto.

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1. Unnecessary Force: Use of excessive force.
2. Neglect of Duty: Failure to properly investigate.
3. Neglect of Duty: Failure to take required action.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	CRD	NS				SFPD ID Pending				

The co-complainants stated that the police department is covering up the fatal shooting and may have falsified official reports to cover up their misconduct. The department has been very "cagey" about disclosing information to the public and misrepresenting the facts to taint the case in the publics mind about Alejandro Nieto's character, his mental health status, and stating he was armed with a gun.

ALLEGATIONS:

1. Conduct Reflecting Discredit: For inappropriate behavior and comments.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0179-14 CO-COMPLAINANT: [redacted]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
14	ND	U	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
	UA	U								
	UA	PC								

The co-complainant stated that the police delayed the notification to the next of kin regarding the death of Alejandro Nieto and searched Nieto's room and car without explanation.

ALLEGATIONS:

1. Neglect of Duty: For failure to take required action.
2. Unwarranted Action: For the search of Nieto's room.
3. Unwarranted Action: For the tow of Nieto's car.

OFFICE OF CITIZEN COMPLAINTS
WITNESS LIST
OCC CASE NO. 179-14

Civilian [✓] Officer [ ]
Name: [redacted]
Address: [redacted]
City:
State: Zip:
Telephone: [redacted]

Civilian [✓] Officer [ ]
Name: [redacted]
Address: [redacted]
City:
State: Zip:
Telephone: [redacted]

Civilian [✓] Officer [ ]
Name: [redacted]
Address: [redacted]
City: [redacted]
State: [redacted] Zip: [redacted]
Telephone: [redacted]

Civilian [ ] Officer [ ]
Name:
Address:
City:
State: Zip:
Telephone:

Civilian [ ] Officer [ ]
Name: [redacted]
Address: [redacted]
City: [redacted]
State: [redacted] Zip: [redacted]
Telephone: [redacted]

Civilian [ ] Officer [ ]
Name:
Address:
City:
State: Zip:
Telephone:

Civilian [✓] Officer [ ]
Name: [redacted]
Address:
City:
State: Zip:
Telephone: [redacted]

Civilian [ ] Officer [ ]
Name:
Address:
City:
State: Zip:
Telephone:

Civilian [✓] Officer [ ]
Name: [redacted]
Address: [redacted]
City:
State: Zip:
Telephone: [redacted]

Civilian [ ] Officer [ ]
Name:
Address:
City:
State: Zip:
Telephone:

SFDPA - 0179-14 - 000234

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

ALLEGATION LIST

OCC Case No.: 0179-14

Activity	Alleg	Allegation Type	Date Alleg Drafted	Ct	Memo	Allegation ID
Other On-Duty	UF	Unnecessary Force	03/27/2014	1	FOR USE OF EXCESSIVE FORCE	88162
Other On-Duty	ND	Neglect of Duty	04/01/2014	1	FAILURE TO PROPERLY TRAIN OFFICERS. (SHOOTING TACTICS)	88197
Other On-Duty	ND	FAILURE TO PROPERLY INV	04/01/2014	1	FAILURE TO PROPERLY INVESTIGATE THE INCIDENT PRIOR TO THE USE OF FORCE.	88196
Other On-Duty	ND	WRITING AN INACCURATE I	03/31/2014	1	WRITING AN INACCURATE REPORT(S)	88191
Other On-Duty	CRD	INAPPROPRIATE BEHAVIOR	03/31/2014	1	INAPPROPRIATE BEHAVIOR/COMMENTS	88186
Other On-Duty	CRD	MISREPRESENTING THE TR	03/31/2014	1	MISREPRESENTING THE TRUTH	88185
Other On-Duty	UA	TOWING	03/31/2014	1	TOWING	88184
Other On-Duty	UA	Searching a Residence	03/31/2014	1	FOR SEARCH OF ROOM	88183
Other On-Duty	ND	FAILURE TO TAKE REQUIRE	03/31/2014	1	FAILURE TO TAKE REQUIRED ACTION	88182
Other On-Duty	CRD	Inappropriate Behavior	03/31/2014	1	INAPPROPRIATE BEHAVIOR	88181

ND Failure To take Required action

SFDPA - 0179-14 - 000235

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
3/26/14

Summary of recorded interview with complainant [redacted]:

The complainant stated that he is complaining about the excessive use of force used against a neighbor, known as "Nieto", who was shot down by police. The complainant stated that he did not witness the incident but learned about the incident at the town hall meeting. The complainant stated that a neighbor was alarmed and called police when he saw that Nieto had a holster on his waist and thought he had a gun. The complainant stated Nieto was a security guard at a nightclub that required him to carry a taser. The complainant stated that the police have lost their professionalism in policing the neighborhood and believes there is no room for excessive force.

Allegation and rule that may apply:

- Unnecessary Force: Use of excessive force. DGO 5.01 Use of Force

Copy of 293 and ACF provided to admin.

JCalderon

Summary of recorded interview with co-complainant [redacted]:

The co-complainant stated that she was Alejandro Nieto's friend and wants the incident of the officer shooting at Bernal Heights investigated for excessive use of force. She stated that she was at the Town Hall meeting and stated that the police stated that they were 75 feet away from where Alejandro was and stated that his taser only shot to 50 feet so she said the police had a distance of about 25 feet of difference and wants this investigated.

Allegation and Rule that may apply:

- Unnecessary Force: Use of excessive force. DGO 5.01 Use of Force

Copy of ACF provided to admin.

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
3/26/14

Summary of Spanish interview with co-complainant [redacted]:

The co-complainant stated that she is afraid of walking the Bernal Hill Park after this incident for fear of also being shot by police. She stated that her friend was friends with Alejandro Nieto and said that on the day of the incident he was helping her friend move. She stated that after he helped her friend move that Alejandro went to buy a burrito. She said that all they know is that he was eating his burrito at the park and then police came and he is now dead. She said she wants the four officers investigated.

- Unnecessary Force: Use of excessive force. DGO 5.01 Use of Force

3/27/14

Ran the CAD, QIR, and QPRL.

Summary of recorded interview with co-complainant [redacted] conducted by Inv. Ivas:

The complainant stated she attended [redacted] with Alejandro Nieto. She stated Mr. Nieto was a peaceful man, an activist and a practicing Buddhist. Mr. Nieto volunteered at senior centers and was training to be a probation officer. She stated Mr. Nieto had a security guard card and had a permit for the Taser he carried for work. She stated he was wearing his security guard uniform when he was shot. The complainant stated that every Friday night before work, Mr. Nieto meditated in the park. She stated she last saw Mr. Nieto two weeks before he died. She stated the SFPD lied when they said Mr. Nieto was armed with a gun and was mentally ill.

Allegation and rule that may apply:

- Conduct Reflecting Discredit: For misrepresenting the truth. DGO 2.01 Rule 9. Misconduct

==========

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
3/27/14

Summary of recorded interview with co-complainant [redacted] conducted by Inv. Ivas:

Co-complainant [redacted] stated he believes the San Francisco Police Department is "covering up" the fatal shooting of Alejandro Nieto, which occurred March 21, 2014. He stated there have been too many delays, e.g., it took 36 hours for them to notify Nieto's next of kin. Co-complainant stated he has spoken to neighbors who say they did not hear the four officers give any verbal warnings to Nieto before they shot him. Co-complainant [redacted] also wants to know why the police towed Nieto's car from his driveway and why they searched his room after he died. He also wants the results of the ballistics test.

Co-complainant [redacted] stated he saw Nieto's family yesterday and they had many positive character references for Alejandro. Co-complainant [redacted] stated the police overreacted. They should have seen the yellow stripes on Nieto's Taser. Co-complainant [redacted] stated Nieto was probably afraid of the officers and was running away. He said that the Taser only shoots fifteen feet and the officers were seventy-five feet away, so it doesn't make any sense for Nieto to have pulled out his Taser. Co-complainant [redacted] wants an independent investigation of this shooting.

Allegations and Rules that may apply:

- Conduct Reflecting Discredit: For inappropriate behavior. (Comp. Believes officers are covering up the fatal shooting and that the officers overreacted.) DGO 2.01 Rule 9. Misconduct.

- Neglect of Duty : For failure to take required action. (delay of notification of next to kin, no verbal warnings to Nieto before they shot him, officers did not see the yellow stripes on Nieto's Taser.) DGO 2.01 Rule 5. Performing Duties

- Unwarranted Action: For the search of Nieto's room. Case law

- Unwarranted Action: For the tow of Nieto's car. DGO 9.06 Vehicle Tows

==========

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
3/27/14

Summary of recorded interview with witness [redacted]:

The witness stated that he was walking in the Park with his financial advisor. He stated that as he was on Esmeralda and Precita Blvd. a woman neighbor told him that there was a man on the hill with a gun. The witness said he then changed his route and decided to go to Precita Park. The witness stated that when he got to Rippley and Peralta he stopped and two other individuals whom he has seen in the neighborhood also stopped to look in the direction of the incident because they saw a patrol car speed up the hill. He said from his vantage point he saw no details between the person and officers and said it was indistinct area but did see when the patrol car stopped and said he saw car doors open but no officers out of the car. The witness said that he is not sure where the gunfire came from. He said it was quiet for about 90 seconds then he heard 1-2 shots and after about 7 seconds he heard many shots best guess is about 20-30. The witness was not sure what direction it came from. He stated that the distance from his vantage point and where the incident occurred was about 500 yards. He stated that he has experience with target practice and has been on ranges because he has done hunting. He stated that after the first two shots that the other shots sounded like rapid firecrackers. He stated that he did not see any gun smoke, muzzle, and did not see the person fall to the ground. He stated that after shots fired he saw other officers get there quickly on foot about 7-10 people in dark clothing.

Summary of Spanish interview with co-complainant [redacted]

The co-complainant stated that she has lived in the neighborhood for 50 years and stated her children grew up there and frequent the park even today as adults. She stated that her daughter knew Alejandro Nieto and stated that this young man did not deserve what he got all those shots. She believes the officers should have first talked to him and believes it is an injustice that they took his life. She said that she does not know what happened or if he threatened the officers however the officers should help people instead of being afraid of them. She said that the Bernal Hill Park is nice, silent, and peaceful and family oriented but now she is afraid for her adult children who go to the Park to walk their dogs. She is afraid that the same thing could have happened to her children.

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
3/27/14

Allegation and rule that may apply:

- Unnecessary Force: Use of excessive force. DGO 5.01 Use of Force

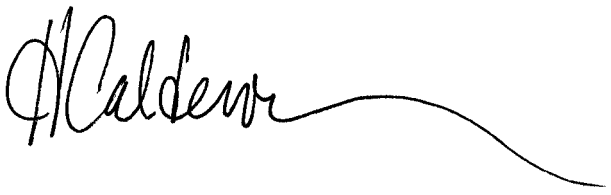


Summary of recorded interview of co-complainant [redacted] conducted by Inv. Ivas:

Co-complainant [redacted] stated he went to the town hall meeting about the death of Alejandro Nieto and wanted to make a complaint about the police. Co-complainant [redacted] stated that one officer, not several officers, should have approached Mr. Nieto and spoken to him. They should have done some investigating before they shot him. Also, officers should do target shootings on real human feet, not paper targets. They should learn to shoot people in the feet, not kill them. He also stated that children play on the hill, and now they will always be reminded that someone was killed by police there.

Allegations and rules that may apply:

- Neglect of Duty: For failure to properly investigate the incident prior to the use of force. DGO 2.01 Rule 5. Performing Duties
- Unnecessary Force: Excessive Use of Force. DGO 5.01 Use of Force
- Neglect of Duty: For failure to properly training officers. (Shooting tactics)



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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
3/28/14

Ordered the CAD audio from DEM. Sent non-routine request to SFPD Legal for IR, Crime Scene Log, Crime Scene Report, Crime Scene Diagrams, and Crime Scene photos.

Summary of recorded interview with co-complainant [redacted]:

The complainant stated she knew Alejandro Nieto from a mutual friend. She stated that her complaint is for the excessive use of force of police causing the unnecessary death of Alejandro. She also stated that she attended the town hall meeting and is also complaining about the police tainting Alejandro's character without clarifying the reasons and without relevance to facts. [redacted] stated that in the meeting Chief Suhr stated that Alejandro had a mental illness but did not state what illness and disqualified him from buying a weapon. The co-complainant stated that the Chief inferred that Alejandro would have bought a weapon and that the Chief was stigmatizing people with mental health illness. Also during the meeting, the co-complainant stated that the Chief stated a witness reported that Alejandro had a red jacket however the Chief did not clarify if the jacket was found and made inference that he was a gang member. The co-complainant also said that the Chief tainted Alejandro's character to be a violent man stating he had a restraining order against him without clarifying ("case of a lover's quarrel") that the person had first assaulted Alejandro. The co-complainant stated that in the Bay Guardian the [redacted] who had the restraining order said that Alejandro was an excellent person and always was good to her. She stated that in the meeting the police said the Taser had a laser dot when it is out of it's holster and is about 15 feet so she said officers had no reason to use violent force that officers should have known this and should have been part of their training. She doesn't believe that Alejandro drew his Taser. The co-complainant also stated that the SFPD put out a flyer seeking witnesses to the incident however in the flyer they characterized Alejandro as a violent man by saying he was displaying erratic behavior and had a variety of weapons. The co-complainant stated the SFPD has been very "cagey" about disclosing information to the public like the number of rounds and misrepresenting the facts to taint the case in the publics mind about Alejandro.

Allegations and rules that may apply:

- Unnecessary Force: Use of excessive force. DGO 5.01

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
3/28/14

- Conduct Reflecting Discredit: For inappropriate behavior and comments. (Tainting Alejandro's character in the public's mind by misrepresenting facts without clarifying facts or relevance to incident.) DGO 2.01 Rule 9. Misconduct

Summary of Spanish interview with co-complainant [redacted]:

The co-complainant stated that she did not see or hear anything during the incident. She stated that she knew Alejandro ever since his mother was pregnant. She said that Alejandro was a good boy and believes there should be justice for his death. She said that she believes the officers could have talked longer to Alejandro. She said that officers should change their tactics.

Allegation and rule that may apply:

Unnecessary Force: Use of excessive force. DGO 5.01

J Calderon

3/31/14

Received faxed 293 Complaint from [redacted] dated 3/28/14.

Allegations and rules that may apply:

Unnecessary Force: For excessive use of force.

Neglect of Duty: For writing inaccurate report(s).

ACF and 293 provided to admin.

J Calderon

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
4/2/14

Left a message for complainant [redacted] regarding interview.

Summary of recorded interview with complainant [redacted]:

[redacted] stated that his complaint arises out of the death of Alejandro Nieto at the hands of the San Francisco police officers. The officers used an excessive amount of force in shooting Nieto to death. He stated that the officers used improper and deficient tactics in investigating the call that they were responding to and in ultimately the level of force used against Nieto.

[redacted] stated that officers did not make proper plans and accommodations for Mr. Nieto's medical emergency, which arose out of his shooting by the SFPD officers. He further explained that he has no information that the officers made medical provisions. He stated the officers did not have medical treaters or medical providers to have been staged on scene given the nature of the call that they were responding to and with their training would indicate that they would possibly be confronted with and deal with a person with a gun and the outcome of it being that person may respond with force and therefore either the officers or person would need emergency medical treatment. He stated officers should have made a request for medical to have been on route as they responded to this call.

[redacted] stated that he is also complaining about SFPD falsifying official reports to cover up misconduct. He explained that it is his understanding that officers had attempted to justify the use of force that they used against Mr. Nieto and is an attempt in his opinion to cover up, justify, excuse, and explain away their misconduct. He stated that if they have done that which is his understanding in official police reports and records then that is falsifying records, which are sworn testimony, and should not be doing. [redacted] stated that the information has been derived from the statements that the officers have made unless the Chief and staff is making stuff up out of their own minds this information is from the officers.

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4/3/14

Allegations and Rules that may apply:

- Unnecessary Force: Excessive Use of Force. DGO 5.01 Use of Force
- Neglect of Duty: For failure to properly investigate. DGO 2.01 Rule 5. Performing Duties
- Neglect of Duty: For writing inaccurate report(s). DM-11 Report writing manual DGO 2.01

HCalderon

4/7/14

Ran all of the history units listed on CAD.

Left a voicemail message on the number listed on the CAD as the reportee to the call of "221". The voicemail greeting was for someone named [redacted]. [redacted]

Requested the UOF Log from Ingleside Station.

HCalderon

4/11/14

As of today the reportee listed on the CAD has not returned my call. I also have not received any documents yet from SFPD.

Investigative Plan:

1. Obtain and review all documents/records from OIS list available for this case.
2. Review evidence as it comes in with Sr. Inv.
3. Interview witnesses.
4. Legal Review.
5. Visit scene.
6. Interview any experts.
7. Interview officers.

Case submitted for intake review.

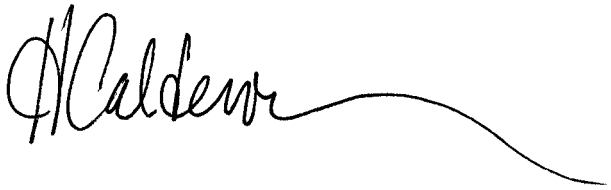
HCalderon

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

4/14/14

Received the Use of Force Log from Ingleside Station and the Officers who fired their weapon were: **Sergeant Sawyer #1127, Officer Schiff #1968, Officer Morse # 1923, and Officer Chew #2088.**

Received letter from SFPD Legal requesting an extension of 30 days to produce the IR, Crime Scene Log, Crime Scene Report, Crime Scene Diagrams, and Crime Scene Photos as the Crime Scene Investigations Unit has not completed them.



4/15/14
Plan is appropriate.
Prioritize attempts to interview initial RP
Get CAD audio.

Per *Examiner* article today (copy in file,) Nieto family attorneys may have evidence suggesting that Nieto was shot up to ten times and that there is an audio recording of the shots being fired in two distinct bursts with a gap in between. Contact [redacted] to verify and advise we need such evidence.

To CI Baltazar for UF review



04/16/14: Allegations and plan are appropriate at this point. Interview Mr. Nieto's family members, paying close attention to possible language issues, search issues, and the overall treatment they allegedly recvd from SFPD. Case to be returned to me for review after the family and the RP have been interviewed.



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4/24/14

Spoke to Mr. Pointer regarding arrangements to interview the Nieto family members. He will contact them and let me know if they are willing to speak with me.

4/24/14

Sent copies of 293 with addendum to the complainant and co-complainants.



4/25/14

Received from SFPD Legal a 6 page incident report prepared by Officer Dilag #173 and 4 attached statements from Officers: Hall, Gonzalez, Antonian, and Snadow.

Received the Crime Scene Log, Crime Scene Report, Officer Rouede's Hand written notes for CS report, Firearm Information report prepared by Officer Rodelas #729, Vehicle Processing Report by Insp. Cagney of Homicide, and Notice of Court Hearings for TRO's sought against Alejandro Nieto [redacted] Received two discs containing photographs.

Reviewed above evidence and printed the photos (286) for case file.

Requested from SFPD Legal the Homicide reports, transcripts of interviews, audio interviews, video, officer training records, crime lab reports, and other forensic reports listed on OIS checklist.

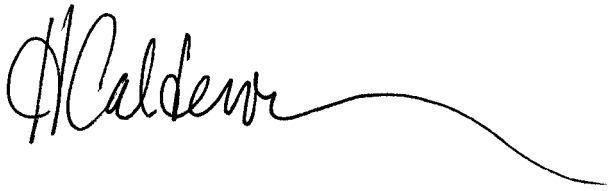


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5/2/14

Received CAD audio.



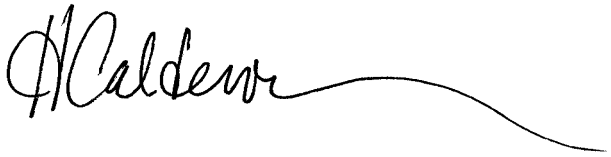
5/7/14

Received letter from SFPD Legal stating that the Blood spatter Analysis Report, Crime Laboratory Exam, and Crime Laboratory Report are still pending from Homicide. The letter states that the other items requested (DNA analysis report, videos SFPD made or obtained, Evidence Inventory &Processing (SFPD 235E), and Shot Spotter Detailed Forensic Report (digital Copies, including audio) do not exist at this time.



5/16/14

Received signed addendums from complainants [redacted], [redacted], and [redacted].



Sent a request to SFPD Legal for the IAD Chronological Reports, IAD interview audio/video, IAD interview transcripts, IAD Investigator's interview notes and IAD's OIS investigative conclusion report.

5/28/14

Sent request for the Medical Examiner Register, Investigator's report, Autopsy Report, Toxicology Report, Wound trajectory Diagrams, Evidence Log-Release Record, ME Investigator notes, and photos.



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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

5/28/14

Received from SFPD Legal the following IAD documents:

OIS interview Questions; Interview Notes of officer interviews with IAD for Officers Schiff, Sgt. Sawyer, Morse, and Chew; Notes for witness interviews of [redacted] and [redacted]; Notes from interviews with Insp. Cagney for Officers Schiff, Chew, Morse, Sgt. Sawyer, miscellaneous notes of evidence and officer equipment and CAD; Alejandro Nieto's DMV Cal photo; SFPD Incident Report No. [redacted] Robbery, Armed with a gun, Conspiracy, Gang Activity); SFPD Incident Report No. [redacted] (Driver's License suspended or revoked) SFPD Incident Report No. [redacted] (Missing Adult); SFPD Incident Report No. [redacted] (Aided Case, Mental Disturbed); SFPD Incident Report No. [redacted] (Aided Case, Mental Disturbed); SFPD Incident Report No. [redacted] (stalking, Domestic Violence); SFPD Incident Report No. [redacted] (aggravated assault with bodily force); SFPD Incident Report No. [redacted] (Investigative Detention);SFPD Incident Report No. [redacted] (Assault, aggravated, w/other weapon, terrorist threats); SFPD Incident Report No. [redacted] (violation of restraining order, threats against life); SFPD Incident Report No. [redacted] violation of stay away order); CSI DVD of scene; OIS Case file on two CD's; a note stating that the conclusion report has not been done as homicide investigations are not done yet.

J Calderon

6/9/14

Received signed addendum from complainants [redacted] and [redacted].

J Calderon

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6/18/14

Reviewed the OIS case file CD 1 of 2 that contains the Audio recording of the death notification to family and the power point of the OIS Return to Duty Panel from Homicide Insp. Cagney.

7/28/14

Continued review of CD 1 of 2 – Internal Affairs officer interviews audio, transcripts of interviews, OIS Photos, Focus Questions, Interview Notices for Internal Affairs, OIS interview questions, OIS photos of Officers, Officer Training Records, "Green Cards" – tracks officers career/assignments within SFPD, CAD audio segments with transcript of 911 call and when officers make contact with Nieto, Return To Duty Presentation For Chief's decision- Approved all officers return to duty.

Review of disc 2 of 2- CAD audio, Management Control Division Case Form SFPD 83, OCC Request for information, OIS Internal Affairs Chrono, SFPD 1st Qtr 2014 Firearm Discharge Review Board OIS Power Point- NOT COMPLETE- NOT FINISHED, Internal Affairs OIS Final Report – Not Complete, Internal Affairs Preliminary Report, Internal Affairs Memo.

H Calderon

8/22/14

Listened to the officers Homicide interviews with transcripts.

H Calderon

8/27/14

Sent a Non-Compliance Letter to SFPD Legal for no response to my request of 5/28/14 for these documents: The Medical Examiner Register, Investigator's report, Autopsy Report, Toxicology Report, Wound trajectory Diagrams, Evidence Log-Release Record, ME Investigator notes, and photos.

H Calderon

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8/28/14

Sent witness contact letters to [redacted] and [redacted].

J Calderon

9/5/14

Officer Rain Daugherty of SFPD Legal left a voicemail in regard to my non-routine request for the medical examiner reports stating that the ME does not furnish the documents until the case is closed and they have been placed on the list. Officer Daugherty stated that on 9/9 he would be following up on the status of the ME reports and provide an update.

J Calderon

9/5/14

Interviewed witness [redacted] and [redacted].

J Calderon

9/8/14

Summary of OCC recorded interview with witness [redacted]:

Witness [redacted] stated that he was walking with [redacted] and their dogs on the west portion of Bernal Heights Hill. He stated that they had observed a man that was acting erratic, pacing back and forth, and talking to himself. He said that as they got closer to him they noticed he had a gun on his hip. The witness stated that the man made a point to pull up his red jacket and show them a holstered gun on his hip. He said that he never pulled it out. He said it was alarming enough to call 911. He said [redacted] dialed 911 and relayed what they saw and the man continuing to pace back and forth, talking to himself, and shadow boxing. The witness stated that they remained

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9/8/14

on the phone for a while and he kept encouraging [redacted] that they needed to leave. He stated that the 911 operator encouraged him to remain on the line. The witness stated that at one point several people had passed them and asked if they had seen the man with the gun. At one point they finally got down the hill and it looked like he was walking toward them so they head toward their car. The witness stated that he heard gunfire and doesn't know how many rounds were fired. He stated [redacted] remained with 911 the whole time. He stated it was 6:30 or 7:30 in the evening. The witness stated that he did not recall what type of things that the male was saying. He stated that the one thing that he did say or do that was alarming and combined with the fact that he made it a point to flash his holstered gun at them was the fact that he was pacing back and forth, shadow boxing, and talking to himself while there was nobody around him and all of it seemed alarming and if he had to do it again he would call 911 but does regret that the man was shot and killed but it was alarming enough to call 911.

The witness stated that the complainant was wearing a long red jacked and he pulled up the bottom of the jacket up over his holstered gun. He made it a point to show that he was wearing a holstered gun and he kept putting his hand on top of the gun as well. The witness said the man was putting his hand resting his hand several times moving it back and forth resting his hand on top of the gun. The witness described the gun as black and said he was wearing black pants and it was holstered on his left side but can't remember. He stated that he never saw the gun out of the holster. The witness stated that the man was wearing cargo pants and a very bright red jacket and he doesn't recall any other stuff with him. The witness stated they were walking on the west side of Bernal Hill and said that there is a set of stairs that goes down from the hill in to the neighborhood. He said the man was near the chain link fence and they walked north and there is a portion where the trail goes down and exits to the north side of the hill and the man was walking toward them. He stated that they then went to their vehicle and stated that all this should be on the 911 tape. The witness said that the distance from their vehicle to the man was about 100-250 yards and stated that they could not see what was going on and honestly they thought the man was firing at them and did not know that the police was there. The witness stated they may have heard some sirens but doesn't exactly recall but hear gunshots and did not know if the shots were for them and they ran into the car and drove away. The witness does not remember how many shots he

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9/8/14

heard but stated that it was more than 10 in rapid succession and think he told the officers back in March about 15. The witness described the day as sunny, nice and it was becoming late in the evening but there was still plenty of light. He stated that the people who had approached were down below them and warning people not to go up the hill because there was a guy with a gun. He recalls a man with two dogs that had asked them if they had seen the man with the gun and two independent women were talking to them about it and one went down the hill to tell everyone not to go up the hill. The witness stated that he recalls the complainant shadow boxing and stated he knows that people pace but it was erratic enough to draw their attention and at one point he said there was a chain link fence and he was going in and out of the chain link fence. He was going the side of the chain link fence drops off down hill which was extreme and why would he be doing that? He said it was just erratic behavior and felt compelled to call the cops because they thought the neighborhood should be protected or at least check it out. The witness stated that prior to any weapons being fired he did not hear any voices and stated that they were hurrying down the hill and then they heard gunshots and were running down the hill at that point. He said he did not hear the police and thought the man was shooting at them and didn't know the police was there really. The witness stated that when the man was talking to himself he could not describe the tone he was using and only saw lips moving.

Summary of OCC recorded interview with witness [redacted]:

The witness stated that he and [redacted] [redacted] were walking with dogs down the hill from the south side to the north walking along and passed a guy and [redacted] [redacted] asked him, "Did you see that?" He responded, "No. See what?" He said [redacted] asked him if he had seen a guy back there with a gun who was acting oddly. The witness said no and [redacted] asked him if they should call the police. He said yes he was acting weird and has a gun on hip and keeps putting his hand on it. He said he called 911 and got off to the side of the path and said the dispatcher was having a hard time trying to locate where he was so she kept him on the line and had him keep his eye on the individual who they were calling about. The witness stated that he stood there but was uncomfortable about not knowing the situation and what was going to happen. The dispatcher kept him on the line asking him questions about the individual such as height what he was wearing and at that point he started to walk

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9/8/14

toward them and he got nervous about being there so he went further down the hill and she said that police were arriving if he could flag them down and to maintain visual contact with the individual so that they can make sure where he is. The witness said he started to walk up a little bit and then started to feel really scarred about whether or not something was going to happen if this guy saw him because he had been looking at him while on the phone for two minutes or so. He started to walk up the hill to see where he was and at that point gunshots where fired and coming above there head to the trees above him and at that point he ran down the hill toward the street and behind the car and eventually hung up with the 911 dispatcher. Once they new it was okay they went to where most of the police were to talk to them.

The witness stated that as they walked down the hill and anyone walking up [redacted] would tell them not to go up there because there is a guy with a gun and is acting weird shadow boxing and acting strangely. The witness stated he did not see the gun and asked [redacted] if he was sure he saw a gun to make sure this was legitimate before he called 911. The witness stated that the distance between him while on the phone with 911 and visual of the individual was about 100 yards. The witness stated that when he looked at the guy while on the phone with 911 what went through his head is this guy is clearing seeing me on the phone and looking at him and if he has a gun is planning on doing something crazy and is coming after me. The witness said that the guy did start to walk down the hill and did not know if he was just coming down the hill or at him. He said the path is 25 feet wide but the guy was moving in his direction and that is when he moved further down the hill out of his sight.

The witness stated that he saw police cars down below on the street below where the main entrance is off of Folsom but thinks they had sirens but turned them off and he was worried that if the guy thought he called police that he was in a position where he could be shot at. The witness stated the 911 dispatcher wanted him to be in a position where he could see the guy and the police officers and he hesitated and thought it was ridiculous that someone would tell him to go back to a dangerous position. He said he did go a little closer and then when he started to walk up he said gun shots started and he couldn't tell if he was being shot at but said the shot were above his head and hitting the branches above him, The witness said he ran as fast as he could down the hill and got behind a car and was still with the 911 dispatcher and waited until everything stopped and then he

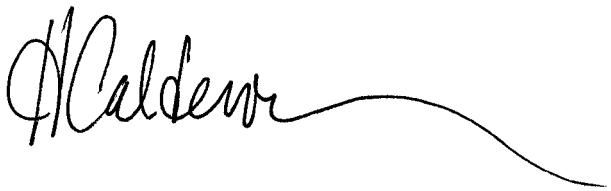
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9/8/14

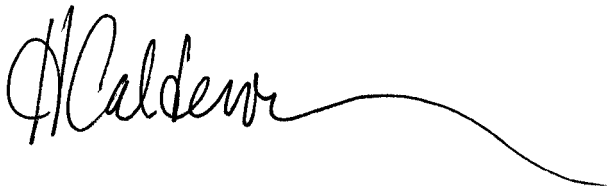
asked if it was okay to get out of there and they got into their car and drove off. The dispatcher asked them that after situation ends to go to talk to the police. He said they did talk to police at Folsom near entrance to Bernal.

The witness stated that when he was looking at the suspect while on the phone with 911 that it was clear that he was acting weird and pacing back and forth not in one spot. I wasn't like he sitting there enjoying the sunset or waiting for someone. He stated that there was something wrong mentally he was acting strangely about to do something. The witness stated that he did not observe the suspects behavior prior to calling 911. He stated that he heard between 10-15 shots and did not hear any talking or conversations at all.



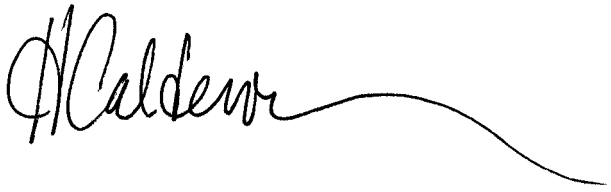
9/10/14

Received letter from SFPD Legal stating that at this time they do not have the ME reports and as soon as they become available they will forward them to the OCC.



9/15/14

Received the Medical Examiners Register, Investigators Report, Autopsy Report, & Toxicology Report. Did not receive the Wound trajectory Diagrams, ME investigator notes and photos.



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DATE & ACTIVITY **(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)**

9/15/14

[redacted]

9/25/14

Sent letter to Mr. Pointer of The Law Offices of John L. Burris requesting a conformed copy of the complaint filed in the lawsuit.

J Calderon

09/26/14: Discussed case with Inv. Calderon. She is to update the ACFs to name the officers involved in the OIS.

C. Baltzer

10/15/14

Updated the ACF with officer names.

J Calderon

10/16/14

Consolidated the ACFs with corresponding named officers.

J Calderon

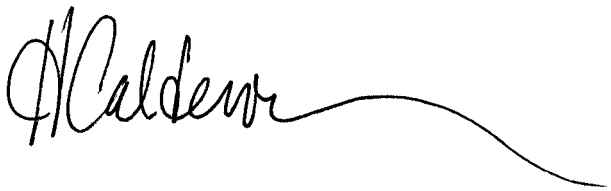
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10/21/14

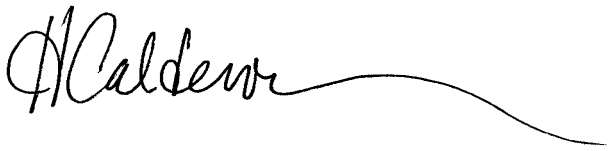
Reviewed Case with Acting Sr. Investigator Fletcher.

Viewed the information contained in the Nieto Case website www.justice4alexnieto.org and printed out the documents they have posted such as the drawing and analysis of the Autopsy Report and the Federal Civil Lawsuit. The website states that if anyone has any information on this case to please contact Adante Pointer Law Offices of John Burris adante.pointer@johnburrislaw.com 510-839-5200



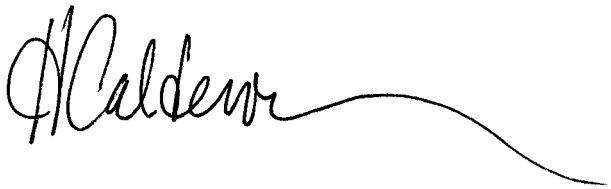
10/22/14

Requested a copy of the Homicide Chron and Up to date IAD Chron, Range Summary Reports for the officers, Ballistics and Firearm Reports, and Permission to Search form.



10/24/14

Sent Mr. Adante Pointer an email regarding interviewing the parents of Alejandro Nieto.



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10/28/14

Summary of Homicide's recorded Death Notification to Parents of Alejandro Nieto:

Inspector Cagney responded to the home with inspectors and a Spanish-speaking officer translated in Spanish. The officer asked the parents, "Is this your son? What was the last time they saw their son? What time?" The parents responded "yes" that is their son and the last time they saw him was yesterday at around 8-9 pm. Officer asked if this is his room? The parents said yes and what is this about. The officers asked how was his son yesterday? Upset, Mad, Angry? The parents said no he was fine. They asked what was he wearing and they said a red jacket 49er and security guard pants. The inspectors asked if their son does drugs or drinks alcohol and the parents said they don't think he does drugs but has a little drink every now and then. The mother said she called him in the morning but there was no answer. The inspectors obtained the parents names and date of birth- Refugio Nieto 3/14/49 and Elvira Nieto 1/30/48. The officers asked if Alejandro has any girlfriend, wife, or children. Parents said no and mother asked, "Why? Where is he? Why are you looking for him?" The inspector then said that they have bad news and said told them that their son passed away last night because he got into a confrontation with police and pulled out a black Taser. The mother said, "Well it's not a reason to kill him. Why wasn't he shot on the leg? Why did they have to kill him?" The Inspector explained that their son pointed the weapon, which had a red laser dot, at the officers and the officers thought it was a gun so they had to fire their weapon. The inspector told the parents that police told him to put his gun down but he would not do it and instead told police to put their guns down. They told them it occurred around 7:30 pm at Bernal Hill and said that people called 911 saying that their son had a gun and was scaring people that he had his hand on his gun and walking around. The inspectors told them that the officers who responded to the scene based on the 911-call thought that their son had a gun. The police drove to scene, got out, and their son pointed his gun, police told him to put gun down and he doesn't put it down. The officers then shot him.

Inspector said they are very sorry they are all fathers. The father said that he was not a bad kid and did not have any problems and was going to City College. The inspector asked if he had any problems and the father said none.

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The father asked if there are any witnesses and Inspector Cagney said yes. At this point Inspector Cagney said sorry let me introduce ourselves. We are detectives from the Homicide Division. The inspector asked if they if he was the only son and the parents said no that they have another son. Inspector Cagney explained that their job is to investigate any shootings. The inspector told them that they could contact him with any questions to contact him. Inspector Cagney again expressed that they are all fathers and are very sorry for their loss. The father asked where do they have him now and then asked how many shots were fired and where did they shoot him. The inspector told him that it's an investigation and they could talk about it but then provided him the information of where his son is now.

The inspector asked if they new if their son was going to work last night and they said that they didn't know because they change his hours but they knew he worked at night. The inspector asked if he worked on San Bruno and the mother said yes at "El Toro" and then the inspector again asked if son had any problems with women, money, or any problem. The parents said no. The inspectors again asked if he was depressed and the father said if he was going through something they did not know it. Inspector Cagney then said that they do not know if this is true but said that people who are suicidal sometimes will confront police as a way to be shot. He said they don't know if that is what happened last night but it is very unusual because he was not committing a crime, robbing a bank, or fighting anyone but the way he acted he was almost forcing the police to shoot him at least that is what their take is. The father then asked then what was he doing with the gun at the hill at the time that the people called the police. The inspector stated that they do not know that they are investigating and the witnesses said he was acting strange and kept touching gun and shadow boxing and acting crazy and suspicious and called 911. The inspector then said that when the police told their son to put his gun down his son replied, "You put your guns down," and said that is a strange thing to say. The Inspectors then said that when their son pointed his weapon and it had a red laser and said that is out of the ordinary. The father then said that they need to investigate what happened and the officer responded absolutely. The inspector informed the parents that the incident was on the news and newspapers but his name was not known until 2 hours ago because he had no identification with him. The mother asked if he had his wallet with him and they told her the only things he had were: keys had a tag with number to call for identification, two pepper spray

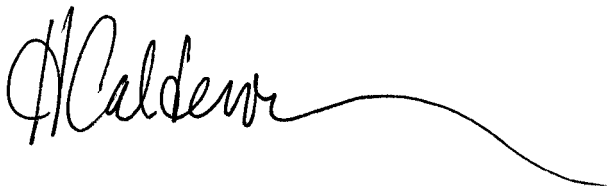
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10/28/14

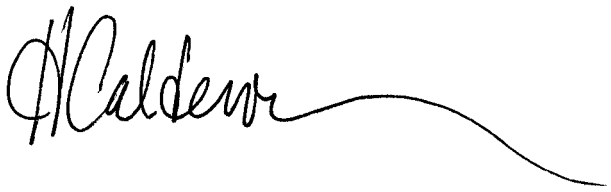
canisters, cell phone, handcuffs, and taser gun, and holster. The inspectors provided the Medical Examiner's information in regards to their son's body. The parents said that about a year ago their son was taking antidepressant. The inspector asked the parents if they could look around to see if they could find a note or some medication that may lead to some information. The father said no not right now but the mother said yes let them we have nothing to hide. The inspector said that its okay but if they find a note, or medication or the box of the Taser if they can please call them. The father told the inspectors that his son wanted to be a probation officer and was talking to a retired probation officer that was helping him. The inspector again asked if his son was having any problems with anyone and if he had a restraining order. They showed them a picture of [redacted] and the mother seemed to know that there was some type of problem and met him and girlfriend at El Toro Nightclub.

**The parents did not give permission to search during this time.



11/3/14

Sent an email to the Assistant District Attorney Ackiron the declination letter or other finding.



11/03/14

Summary of Sergeant Jason Sawyer's Homicide Interview Transcript:

Sergeant Sawyer has been with the SFPD for Nineteen years and on date of incident he carried a department issued 40 caliber handgun and did not have a backup pistol but did have a rifle in the trunk that he carries as part of the Specialist Team. Sergeant Sawyer is a Specialist sergeant and an FTO sergeant and

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at time of incident he was given an FTO ride along, Officer Rick Schiff.

Sergeant Sawyer then provided a narrative of the incident.

> I was near by the Bernal Heights area when he heard the description of Hispanic male, six foot, 220lbs, wearing a red sweatshirt, black pants, gun on his waist. Sergeant Sawyer was giving Officer Schiff "tabletop" exercises on what to expect and what he should look for such as most shooters are right handed, where to take cover, where he can go, and split up if there are multiple targets for the bad guy. I was the driver and they communicated with dispatch regarding location of suspect who was said to be on footpath so we drove up the footpath and encountered the suspect.
>
> I felt it was appropriate to stop and engage the suspect where we could use the car as cover. Officer Schiff took cover to the left side behind the pillar and maintained cover. The suspect fit the description and he advanced to our direction.
>
> I started yelling at the suspect Let me see your hands, let me see your hands, let me see your hands. He threw his bag of chips to the ground, he lifted up the right side of his sweatshirt and I could see a holster and he said let me see your hands. And as he kept advancing towards us he pulled out a gun on the right side with his right hand and as soon as the gun started to come up I could see he had a red laser light on the gun. He pointed it right at us and I fired.
>
> At some point Officer Schiff fired but I didn't know when exactly. I was screaming at this guy let me see your hands, let me see your hands, drop it, police, and the laser light was pointed right at us. I am firing. Shortly after the suspect falls to his knees and appears to be prone out but I could still see he still had the gun up pointed at us and his head is still up- I continue to fire and fired up until- because he is not listening to any of our commands, the gun is still up, his head's still up, he's looking at us and then I saw at one point he appeared to go limp, his head went down, and the gun went down. At that point sergeant Sawyer said he yelled cease fired and coordinated a plan to go up and check the condition of the suspect.

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Sergeant Sawyer said he did not know when other officers arrived but said Officer Roger Morse was on the left side with Officer Schiff and Officer Nate Chew was behind him on the right. Inspectors then asked him questions such as how did they get the car up the footpath, they had him do a sketch, questioned more in detail the encounter with suspect.

The details about the encounter that Sergeant Sawyer did not mention in his narrative were brought out with inspector's questions Sergeant Sawyer then stated:

> At the time they encountered the suspect he was walking and eating chips. He said it was very clear that he had a bulge on his right side but the sweatshirt was covering it. He said that there were two people on the footpath and one person walked right by them as they were coming up and saw the suspect at least 100 yards ahead and they stopped the patrol car but decided it was too far away so they moved up to engage about 25- 30 yards away. He stated they didn't need any lights because it there was plenty of daylight.
>
> He stated the suspect appeared oriented but could not tell if he was hot and sweaty but did not appear out of breath or erratic. He said he was walking with a normal gait towards them and at no point did he stop, pause, take time to reflect on what he said while he was yelling police, let me your hands, let me see your hands. He said the suspect said, "Let me see your hands" as he was pulling up his sweatshirt. Sergeant Sawyer said they had their weapons out. He said the suspect lifted his sweatshirt to gain access to the gun on his hip and pointed it at them right away he saw the laser light and two handed grip in their direction with a weaver stance- two feet shoulders squared and the gun up squared off with them. He stated that it was obvious who they were because they had complete uniform, marked vehicle, he spoke English so there was no language barrier, did not seem to have a hearing issue, any type of mental illness that would cause him to think it was anything other than a man coming at them with a gun pointed at them.
>
> Sergeant Sawyer said: I thought the suspect was going to shoot, fire and shoot him or shoot his partner. There was no question in my mind that this guy had bad intentions and I fired to protect myself and to protect my partner."

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> Sergeant Sawyer stated that when the suspect fell to his knees but didn't pause there, he just went right basically to a prone position. He did not know if at that point he went to his knees because he had been shot or if because he took a prone position. When the suspect went down Sergeant Sawyer said that he was able to slow up, assess and stopped firing but kept his sight on him but said the suspect's gun did not go down. Sergeant Sawyer said he was waiting while assessing to say is this guy down or are we going to be able to take this guy into custody. But he gun came up and stayed up and he saw his head up sot he could tell the suspect was alive, conscious, alert, and still had bad intentions so he continued to fire.
>
> Sergeant Sawyer said that he stopped firing when he saw the suspects head lower down and it looked like the gun which was up went down so it looked like he went limp. As he and officers approach he said he gave comments, keep your hands up, keep your hands were I can see them but he was unresponsive and someone kicked the gun out of his hands. Sergeant Sawyer then said he yelled, "officer involved shooting, send an ambulance, we turned him over and he was still I don't want to say alive but he was still – he eyes were open, he was still breathing and we started to render aid and then he started going out of consciousness."

Sergeant Sawyer said he then jumped into supervisor role and started directing people about what to do and said someone was on the body handcuffing. He stated shooters were separated and he remained on scene until he briefed another sergeant and then left the area. Sergeant Sawyer stated he did one magazine change during incident.

Inspector Cagney asked Sergeant Sawyer whether or not he believed the suspect's intention is suicide by cop? Sergeant Sawyer responded, "looking back it seems very reasonable that that would be an excuse because what normal person is going to walk down the street with a holster-one of the things I did think, it's a possibility, is if someone has a holster exposed maybe it's an off-duty copy who's doing something but the red sweatshirt kind of took that out of my mind. But upon engaging that person what normal person is going to come across two uniformed officers with a car with guns pointing at him and then do anything but put their hands up? And you might even be confrontational but who is going to tell me to put my hands up and then produce a gun? I

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don't know what went through that man's head but it doesn't seem reasonable that any normal person would do that."

HCalderon

11/04/14

Summary of Officer Richard Schiff's Homicide Interview Transcript:

Officer Schiff has been with the SFPD for only two and a half months and in 3rd Phase of field training. [redacted] Officer Schiff stated that he carried his handgun and no other weapon on date of the incident. Officer Schiff stated he was originally working with his FTO officer, Officer Fugata but he did a ride-along with his sergeant, Sergeant Sawyer who he was with during the incident.

Officer Schiff then provided a narrative of the incident. Summary of his narrative:

> We received a priority 221 on Bernal Heights. The call came out for someone on the northern side of Bernal Heights with a 221. They said they saw him sitting and saw a weapon. We responded to the north side where the front entrance to the – it's like a big pathway that has descending grade that goes around. I drove up through the path, started heading up the hill. I know they were looking for a Latin male adult wearing a red jacket. As we pulled up a gentleman on the right side of our vehicle as we are going up the hill passed us in a brown jacket and hat, did not match the description. As we started to come around the curve we could see a flash of something red, then we saw the suspect emerge from around the corner, kept walking toward us. I drove straight until my FTO sergeant said all right let's go a little further and stop here. Put it in park. I started to exit the vehicle, open the door, saw that he had risen his arms like this a little bit, you could see a black holster on his right hip. It was a big black plastic holster with a 221 weapon, a firearm. At that point I saw that I drew my weapon obviously in fear that he had a weapon. I pointed it at him. I told him to show us his hands as well as I heard my Sergeant yelling to him show us your hands. At which point he looked directly at us, made eye contact with me, and then

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11/4/14

said-and this is about from almost maybe 25 to 30 yards-he said show me your hands. Then he made a motion down, turned, drew the weapon and at that point I began firing. Sergeant Sawyer also was firing, I know that for sure. At one point I know I ran dry. My weapon was out. I yelled red, which means for us to switch magazines. I heard sergeant yell covering. Switched out, felt the slide and began engaging the suspect again. He stood for most of those shots when we were firing he stood. At one point though he-I wasn't sure if he fell or not but he went down and laid flat on the ground in what would look kind of like a tactical position. I could see a red light coming from whatever the firearm was that he had pointing straight at us which tome meant he may have had a laser on that. I continued to fire back until I heard my sergeant say all right cease-fire, cease-fire.

The officer then said they advanced toward the suspect and said Officer Morse kicked the weapon out of the suspects hand. Officer Schiff said he checked the suspects pulse but there was no pulse.

Inspector Cagney then questions the officer about several details that the officer already provided in his narrative. Some of the questions answered that were not in the narrative were:

Officer Schiff's experience and if he had any other law enforcement experience prior to SFPD and responded that he did not. Lighting conditions were described as very good, clear, and no obstructions. Inspector asked, "Did you instantly know hey that's going to be the guy?" Officer Schiff said, "Oh yeah, instantly we knew. As I was driving up to him, you know, generally when someone sees a police vehicle coming straight towards them they tend to stop, they tend to back off, realize that something's going on. He continued to walk straight toward us with complete disregard, didn't stop at all, didn't stop until I actually had stopped the car, got out and drawn my 221 at which point that's when he stopped and then he went for the gun. Inspector asked speed traveled up to the hill and any lights or emergency equipment activated at the time. Officer Schiff said he was traveling about 5-10 MPH driving slow and cautious with no lights or sounds. Inspector Cagney asked what was going through his mind when he got out of the car and he responded, "You know, my thought process is if this

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guy has a weapon he can kill us. He's walking towards us already. He's walking purposely towards us, I drew my gun, and I wanted to make sure that he didn't have a weapon. I told him to show me his hands. He didn't comply. He yelled back at me at which point when I saw his shirt lift and I could see it I told him I see the gun, he's already gone for it. He drew kit and once he drew it at that point I knew that if I had not fired I could possibly be dead within the next few seconds." The officer said the suspect took an aggressive stance where one leg is forward and one is back more like a fighting stance. He said the suspect stopped raised his hands to chest level and demonstrated he could probably have some military experience or background with firearms especially when he saw the holster on his hip and what appeared to be a firearm. The next thing after he asked him to show his hands he replied show me your hands and then goes down and draws the weapon with his right hand. Officer Schiff said the weapon comes out one-handed and immediately points it at them and this is when he started firing. While firing he said he could see what appeared to be a red light or something emanating from the weapon. He wasn't sure if it was a reflection or something but it looked like a laser. Inspector Cagney asked if the distance was 25-30 yards and he said yes and that the facial expression at that distance diminish but he had an upset face, looking at him, he could see his eyes, and coupled with what he said and his aggressive stance he definitely presented a serious threat. The officer described the guy physically as a Latin male, maybe in his thirties, 6"1, 200lbs., fairly large individual from where he was standing. The officer described the gun looked like a semiautomatic pistol like the one he carries the sigsaur P226. He said it was a big heavy and bulky looking. He said it could have been a higher caliber when he drew it on them. All he saw was a straight black holster; the weapon was black and absolutely recognized to be a firearm. He said when everything stopped and they approached he said he could see what looked like maybe two yellow lines on the side and it looked like coils and then he assumed it was a Taser. Inspector asked was the guy immediately struck in his estimation. The officer responded that for a while he was firing at him and did not see him go down. He saw him move as though maybe he had been hit by something but he didn't go down. At the pint where he switched his magazine where he had gone dry he said he was still standing and when he switched and gone back that is

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when he saw him come down forward and he appeared to have his arms out in front of him and he could see the weapon and what appeared to be the laser out in front which made him think that he had possibly taken a tactical position. By tactical he means that he tried to lower himself to the ground to make himself less of a target while sergeant Sawyer and he had cover with the vehicle to protect himself from flying ammunition. So he said a tactical mind would think I want to get low to the ground and make myself as small as possible and the fact that he could still see the firearm in front of him told him that he was still trying to fire back at them. So suspect was on his stomach in a firing position and officer still engaging until sergeant said cease-fire.

H Calderon

11/5/14

Summary of Officer Nathan Chew's Homicide Interview Transcript:

Sergeant Burke conducted the interview with Officer Nathan Chew. Officer Nathan Chew was the passenger in the patrol vehicle and Officer Morse was the driver. Officer Chew and Morse had a less lethal weapon in the trunk of their vehicle but did not have a rifle or shotgun in the patrol vehicle.

Officer Chew then provided a narrative of the incident. Summary of his narrative:

He stated Officer Morse and he responded to Bernal Heights and drove to the access road as other officers are running up towards the other patrol vehicle. He said he heard about 5, 6 shots fired and he did not know if it was the suspect shooting or officer shooting. He heard over the radio- officer involved 216 so officer Morse drove the vehicle up and then sees Sergeant Sawyer on the passenger side of his vehicle, gun drawn, pointing at the suspect. The suspect is now in a prone position pointing what looked like a firearm, a dark firearm with a laser pointer on it. When he exited the vehicle he could see that the laser part kind of glint across his eyes so he shifted to the right believing that he was trying to fire at one of them. He said, "I fired my gun in an attempt to stop the threat. (Sergeant Burke had

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officer draw a schematic of the road, and the vehicles position.)

Officer Chew said the suspect's head was facing in a general direction towards them. Officer Chew said when they exited their vehicle they could hear rounds still being fired and did not hear any commands. Officer Chew said he fire about four or five times and no magazine change. He doesn't know if the other officers fired but he heard one of them yell out red indicating that his magazine was empty or he was reloading. Officer Chew said he could still see the suspect head up looking at them, arms extended as he still aimed at their direction. He said he could hear shots fired and he fired his gun four or five times. He said finally his head dropped and he pulled the weapon towards his body and it kind of looked like he was sleeping. He heard Officer Morse yell, "Let go of the weapon or don't move." He also said he heard Sergeant Sawyer yell stop firing. He then said the four of the approached the suspect with guns still drawn. He said Officer Morse kicked at what he believes was a Taser now and kicked it out of his hands and handcuffed the suspect. He stated he believed Sergeant Sawyer was checking for vital signs and believes he called for an ambulance.

Sergeant Burke, Inspector Bonner, and Inspector Cagney asked questions that Officer Chew did not cover:

Sergeant Burke asked about the lighting conditions and if the sun was in his eyes or in the suspect' eyes and officer responded no that he could clearly see the suspect. Inspector Cagney asked what did he think the suspect had in his hands. The officer responded a gun and thought if he is aiming a gun with a laser pointer at four uniformed officers and two marked patrol cars he's going to fire it at us. Inspector Bonner asked to describe the Taser and he responded that it had a boxy look to it with a short handle and a shape of a firearm like a handgun, a semiautomatic. The inspector asked what color and he responded black. Sergeant Burke asked the condition of the suspect when Officer Chew went to handcuff him did he see him breathing. Officer Chew said it sounded like he was moaning or groaning. He said he was told to step back because he did not have gloves so he did not get a good look at him.

H Calderon

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11/6/14

Summary of Officer Roger Morse's Homicide Interview Transcript:

Inspector Bonner conducted the interview with Officer Roger Morse. Officer Morse has a little of 8 years with SFPD and has been with Ingleside about six years. He has no specialized training.

Officer Morse then provided a narrative of the incident however Inspector begins questioning throughout:

> He stated he responded to Bernal Heights with his partner Officer Chew. He said he drove through the path and he heard Sergeant Sawyer over the air saying that they see the suspect and as he drove through the rocks he heard shots fired and his partner is like Oh man, shots are being fired, let's go. He said 10-15 officers were running up the hill because they were on foot they did not know to get through the rocky area. So they went past them and came upon Sergeant Sawyer and Schiff's vehicle and one was ducked down behind the door. He said he stopped the car and saw the subject who matched he description in the CAD proned out with his arms in front of him and he's holding a gun and he hears popping sounds and sees flashes. Officer Morse said he drew his firearm and drew it down on the suspect and started firing at him. He did not remember how many shots but did not empty his magazine. The officer stated he is not sure what his partner did and said he couldn't even hear his own gunshots going off. The first command he remembered hearing was Sergeant Sawyer saying stop firing or let's approach. Inspector Bonner then said, "And believing that he was engaging you in fire you returned fire to protect yourself and anyone who was around you." Officer Morse said yes. Inspector Bonner then said, "Now, did you stop firing only because the sergeant yelled out cease fire and you then perceived that there was no threat or did you just listen to him and just stop fire? When did you believe that it was safe enough for you as an individual to stop firing on the threat? Officer Morse responded that he just heard Sergeant yell stop firing even though he still thought there was a threat while walking up there. Inspector Bonner then asked if he felt that there was a threat then why did he stop firing. Officer Morse stated because he trust Sergeant Sawyer with anything out there so just when he heard his voice and he says something he is doing it. Inspector Bonner asked if the subject was moving while he was proned out as

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they approached and Officer Morse responded yes like a slight rocking motion and heard gurgling. Officer Morse stated that the suspect had both hands on his weapon and someone said get the weapon out of his hand so he believed that he kicked it out of his hands. Officer Morse stated that after he kicked the weapon he realized it was a Taser. He described it as a black semi auto and cross yellow lines on it. Inspector Bonner asked if anyone tried to render aid to the suspect since he seemed to still be alive, moaning, making noises, gurgling and Officer Morse stated that when Officer Chew started to handcuff the suspect he started to walk away so he doesn't know.

JCalderon

Documents Received from SFPD Legal:
Homicide Chronological of Investigation, Report of Laboratory Examination Firearms Examination, and Officer Range Summary Reports for Officers. There are no IAD subsequent entries to the Chronological since 5/28/14. There are no documents responsive to my request for Gunshot Residue Analysis Reports or Permission to Search Form.

The Homicide Chronological entry documents the following additional witnesses and evidence: [redacted] [redacted]1 911 caller, Sound File posted by [redacted] "48 Hills" audio record of the gunshots given by an unknown source, The Taser International Inc Report and Examination, interviews of witness [redacted], and witness [redacted] [redacted]-[redacted].

11/10/14

Requested from SFPD Legal a copy of The Taser International Inc. Report, Any supplements and statements to the incident report, interviews and transcripts of witnesses [redacted], [redacted], and [redacted].

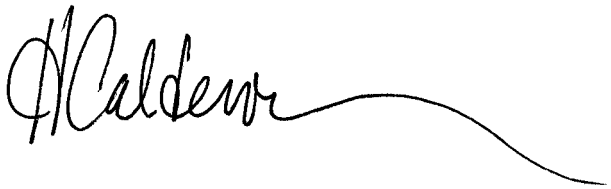
JCalderon

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11/26/14

Received from SFPD Legal the taser International Inc. Report and Examination of taser recovered at the scene; Audio and transcripts of interviews with [redacted], [redacted], and [redacted]. Additional statements to the IR (pages 1-6 and officer statements from Officer Hall, Gonzalez, Snadow, and Antonian.



12/1/14

Summary of Alejandro Nieto's Mental Health Related SFPD Cases:

1. Date: [redacted]
   SFPD Case No. [redacted]
   Case Type: Aided Case, [redacted]
   Narrative Summary: Reportee, [redacted], called for a well being check at the [redacted] due to person in shop that was delusional and needed an evaluation. [redacted] told police that he is [redacted] and said that Alejandro speaks to him regularly. [redacted] reported that Alejandro was fearful that somebody might attack him. He also mentioned that he was unhappy with his life and might hurt himself. The officer documented that when he spoke to Alejandro he said he was depressed because his relationship ended and was unemployed. [redacted]
   [redacted]

2. Date: [redacted]
   SFPD Case No. [redacted]
   Case Type: Missing Adult
   Narrative Summary: Per [redacted], [redacted], he was complaining of severe headache that felt like he was going to die. [redacted] offered to call an ambulance but he refused and went out for a walk instead. [redacted] told police that Alejandro [redacted]

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12/1/14

3. Date: [redacted]
SFPD Case No[redacted]
Case Type: Aided Case, [redacted]
Narrative Summary: [redacted] reported that Alejandro was unstable, [redacted], and setting things on fire. [redacted] told police that Alejandro asked for cigarette money and [redacted] said no so he then paced back and forth on the hallway. [redacted] then said he got a book and lit it on fire and ran to the living room where he threw the book and himself on top of it. [redacted] then told police that Alejandro took the book and threw it under the couch but they were able to put it out with water. [redacted] then said Alejandro picked up the ashes and ate some and then put soap on the remainder of the ashes and threw it on the ground in the patio and started to eat the soapy ashes. Alejandro Nieto was aggressive, shaking, making strange sounds, and fighting when police made contact. [redacted]

J Calderon

12/3/14

Summary of Alejandro Nieto's Pending Restraining Order Court Hearing:

1. A Restraining Order was filed on 3/17/14 at the SF Superior Court, Case Number: CCH-14-575532 by [redacted] who was seeking protection from Alejandro Nieto. The pending court date for the Hearing was for April 9, 2014. [redacted] was seeking protection for [redacted], [redacted], and [redacted] due to being attacked by Alejandro Nieto in front of [redacted] on 3/5/14. [redacted] stated that five years ago [redacted] used to be a friend of Nieto's but now he has bad blood for [redacted]. [redacted] stated that Nieto attacked him with a Taser gun four times in front of [redacted] [redacted]. Alejandro tasered [redacted] on his twice on his lower back, one on the upper back, and one on [redacted] left shoulder and left forearm. [redacted] also stated that on [redacted] Nieto followed [redacted] while on his way to work.

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2. A Restraining Order was filed on 3/20/14 at the SF Superior Court, Case Number: CCH-14-575545 by [redacted] who was seeking protection for [redacted] from Alejandro Nieto. The pending court date for the Hearing was for [redacted] [redacted] stated that [redacted] used to be friends with Nieto however on [redacted] [redacted] stated Nieto got into her car without her permission and when [redacted] came with [redacted] Nieto yelled at [redacted] and then started to shoot [redacted] with a taser gun 3 to 4 times in front of [redacted].

H Calderon

12/10/14

Call to the SF Medical Examiner's Office. Left a voicemail at [redacted] regarding the need to schedule an appointment for an interview with Dr. Hart regarding the findings of ME Case No. 2014-0292.

Summary of the SFPD Crime Scene Investigation Report (24 pages) prepared by R. Rouede # 1974:

Officers Okiewicz & O'Reilly responded to map and diagram the scene. Inspector Shouldice assisted in numbering, collecting, and booking/processing of evidence on scene. Officer Rodelas videotaped the scene; Officer Nibungco took photographs and also assisted in collecting evidence. Officer Rodelas also photographed the officers involved in the shooting, seized their firearms/magazines photographed, documented, and booked firearms evidence.

Scene Description:

The area included a utility road leading westward up into Bernal Heights Park on the Folsom Street side. The roadway is wide enough to fit two lanes of traffic, a hill to the south, and a trail/downward slope to the north. Grass and shrubbery lined both sides of the roadway and no streetlamps in this area. With in the crime scene were two marked patrol vehicles, multiple cartridge

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casings, police firearm magazines, the body of a deceased male, and items that were on or near his person at the time of the incident.

Vehicle's Involved:

Both marked vehicles were parked facing westbound, staggered in the roadway, with engines running, and both spot lamps and light bar (solid white) were activated. The patrol car furthest west was parked close to the south upward slope/hill was **Vehicle # 130**. The vehicle doors were closed with the front driver window rolled up and the front passenger side window rolled down. The patrol vehicle further northeast was **Vehicle # 125** and all doors were closed and windows rolled up.

Evidence:

Cartridge casings were scattered and surrounding both vehicles. The casings were marked 1-18, 20, 22-28, and 30-47. One casing marked 65 was on vehicle 130 driver's seat, another casing marked 66 was on the side floorboard on the driver side and another casing marked 48 was on the passenger seat.

Two firearm magazines marked (19 & 21) were located on the ground south of vehicle 130's front driver side door. One firearm magazine marked 29 was located on the ground north of the front passenger side door. One additional cartridge casing was located in the grassy area near Marker # 40 which was discovered after all markers were collected and photographed. Total cartridge casings were 48 and total firearm magazines were 3.

The body of the deceased male was located up hill further westward from the patrol vehicles. The deceased was on his back, head facing east and feet west. There was a significant amount of blood pooled underneath his head and flowing eastwards with gravity. South of the deceased head was another bloodstain. Lying in this blood was the left lens to a pair of eyeglasses marked 57 and lens appeared to have a hole in it. Between the deceased and the south hill was a set of partial shoe prints in blood.

Items surrounding the deceased may have been moved prior to arrival due to strong winds or officers in an attempt to render the scene safe. The items were:

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Two cigarette's marked 50 &52
One packet of cigarette's marked 51,
One black and white SF baseball cap appeared to have a bullet defect in it marked 53
two taser pins marked 54&55
Taser shaped like a firearm with a handle and barrel had yellow markings on the lower portion of the barrel marked 63
Black holster marked 62
Brown paper bag marked 64
Lighter, pepper spray, and aviator sunglasses all marked 61
Remnants of a half eaten burrito were located and photographed but not numbered or seized due to its lack of evidentiary value and perishable nature.

The ME collected the body and when the body was turned over the wrists had been handcuffed behind his back. The handcuffs were seized and booked and the deceased had a set of handcuffs in his rear pants pocket. Released to the ME were the cell phone, keys of the deceased, baseball cap, eyeglasses with broken lens, and taser holster.

12/11/14

Summary of the District Attorney's Office interview with witness [redacted] on 9/30/14:

The witness stated that he was walking his dog at Bernal Hill Park the day of the incident. He stated that his dog is a [redacted] and he lets his dog off leash because she is friendly. The witness stated that his dog thinks that everyone has dog treats and is used to getting treats from people at the park. On this day he stated that he noticed Mr. Nieto walking up the path while eating chips. The witness stated that from his experience of going to [redacted] he stated that Mr. Nieto's appearance was similar to the Berkley High XIV gang wearing a red windbreaker and a black hat and seemed like someone he did not want to approach so he immediately called his dog back. He stated his dog continued to follow Mr. Nieto down the hill to a set of benches. He stated Mr. Nieto then became defensive towards his dog and his behavior was erratic. He stated he jumped on top of a bench and was waving his hands around. He stated his dog was now barking because she was scarred and he kept calling his dog back as he was approaching. While on top of the bench, the witness stated Nieto lifted his

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windbreaker and showed his holster and the witness said he saw what appeared to be a pistol and at that point he was afraid and continued to call his dog back. He then noticed that Nieto had a pulled out the pistol and he was afraid but he was then able to tell that from the size and top part that it a "Stun gun". He stated that it appeared to be black and not as the newspaper had it pictured with yellow markings it looked very much like a pistol. He said Nieto aimed it at his dog and he told Nieto please do not shoot my dog with the stun gun and said Nieto then aimed it at him and said that his dog was about five feet away and witness said he was about 20 feet away from Nieto. Witness [redacted] stated that Nieto was cursing and he also cursed back something to the effect of "fuck you motherfucker come on get some. What do you want? Bitch," he was just talking shit. The witness stated his dog came to him and then they continued down the hill and could still hear Nieto cursing at him. The witness stated he has no idea why he just didn't call 911 and had called the non-emergency number instead but stated that he could not get through to non-emergency police. He left after this and did not see police encounter with Nieto. The witness stated that he then texted one of his friends who frequently goes to the park to walk her dog to warn her not to go to the park because his dog was almost tasered.

Summary of the District Attorney's office interview with witness [redacted] 9/30/14:

The witness stated that she walks her dog at Bernal Hill Park and this is where she met witness [redacted] while dog walking. She stated that [redacted] is a former neighbor but met him dog walking and became friends. She stated she has known him for about three to six months. She stated that to coordinate dog walking they would text each other. She stated that on the date she received a text from witness [redacted] she was out at a Comedy Show and said she does not recall the text being a "warning" text but did get a text stating something to the effect of, "Some gangster just tried to taze me and Luna up on the hill." Luna is [redacted]'s dog. She said this text came through about 7:08pm and she remembered this because the next day she read about what happened on the hill and Nieto and saw the time difference on the text. Witness [redacted] said she remembers this because a few days before she was out walking her dog with [redacted] and said that she didn't know him very well and he had mentioned that he owned guns. Witness [redacted] said she is anti guns and thought to herself that is really weird that [redacted] owns guns why does he have guns. So

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she remembers the text because [redacted] had also said something like, "if he had his gun he would have shot him." She responded sorry that sounds really scary but that is not a good idea. She said she doesn't think she elaborated on why she thought it was a bad idea. Witness said that [redacted] said he tried to call the non-emergency number when he got home that night but could not get through. She said she called him the next day after she read the article as to what had happened on Bernal Hill and that he was really scared when the incident happened. Witness [redacted] stated that she did not take the text as a warning not to go to the park but took it as [redacted] had a run in with someone at the park. Witness [redacted] does not have the text and tried to run some software to see if she could recover it but she could not.

Summary of the Taser International, Inc. Download and Electrical Analysis Report of P9-022639, TS #[redacted] Advanced Taser M26C:

The report described the taser and documents that when armed the laser turns on to assist in aiming and points to the approximate are where the top dart from the cartridge will be deployed to. The taser does not have a flashlight. The Taser while armed and the trigger is pulled will activate its high voltage output and pulse for a duration of 5 seconds or until the safety switch is in the SAFE position. If the trigger is held down by the user beyond the 5 seconds the taser will continue its cycle until the trigger is released. The taser records the timestamp of trigger activations at the beginning of the electrical output cycle for up to 585 trigger activations but the duration of the trigger activations are not recorded. Each data line represents a trigger activation of up to 5 seconds but could be less. If a trigger is extended beyond the 5 seconds a new line is recorded for each additional 5-second duration of activation.

The activation log download analysis showed that the clock was ahead by 6 hours 52 minutes and 18 seconds referenced to GMT (Greenwich Mean Time) but was 7 minutes and 42 seconds behind that time. The exact clock drift on 3/21/14 for this Taser cannot be determined. The log indicates that the trigger was activated 3 times on 3/21/14(assuming the times in the log are reference to GMT) lines 69, 70, and 71. The taser was tested for functionality and was found to be fully functional and within specifications.

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Summary of the non-recorded interview with witness [redacted] conducted by Inspector John Cagney (Hand written notes):

The witness stated he saw suspect 4-5 minutes before shooting. The suspect was wearing new 49er jacket, black hat, black pants, Hispanic Male Adult, 20's, black hair. The witness saw a black gun in suspect's black holster on his hip. The witness stated no threatening and did not take out. The witness saw the suspect near the stairs uphill from the gate looking over the city not saying or doing anything. The witness stated that the suspect was unwrapping a burrito. The witness saw dog and witness worried suspect scared of the dog and was going to ask about gun. Dog stopped him. Witness not worried about suspect. Witness saw 911 callers near stairs did not see the shooting.

Summary of the Office of the Chief Medical Examiner Medical Division Pathologic Findings for Alejandro Nieto:

I. Multiple Gunshot Wounds:

A. Penetrating gunshot wound of left side of forehead
B. Penetrating gunshot wound of right upper lip
C. Penetrating gunshot wound of left side of chest
D. Penetrating gunshot wound of back of left shoulder
E. Penetrating gunshot wound of left upper arm
F. Penetrating gunshot wound of upper left arm
G. Penetrating gunshot wound of upper left side of chest
H. Penetrating gunshot wound of right upper arm
I. Penetrating gunshot wound of right side of chest
J. Penetrating gunshot wound of mid back
K. Perforating gunshot wound of left forearm
L. Perforating gunshot wound of left wrist
M. Graze gunshot wound of back of right wrist
N. Perforating gunshot wound of anterior right lower leg

II. Blunt Trauma of Head, Left Upper Extremity, and Bilateral Lower Extremities:

A. Cutaneous Abrasions and Contusions
B. Scleral Hemorrhage of the left eye

III. Status of Post Attempted Resuscitation

IV. Clinical History of Psychosis Exacerbated By Non-Compliance With Medications

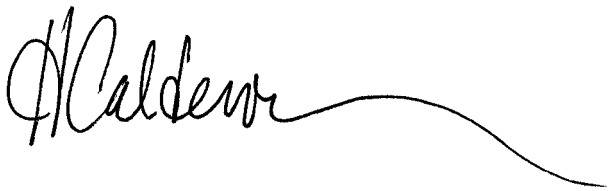
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V. Toxicological Testing of Postmortem Blood:

A. Abilify, Zyprexa, Benadryl, Risperdal, Geodon and Ativan not detected
B. Cannobinoids detected
C. See Separate Toxicology Report

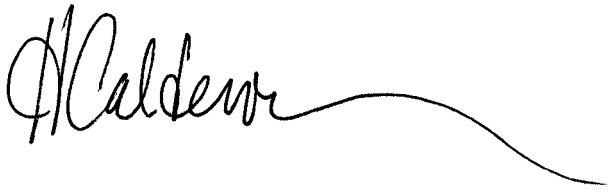


12/15/14

Received voicemail from Nina of ME's office in response to my call for appointment with Dr. Hart. Nina requested I send her 3 possible dates for the meeting preferably in the afternoons Wed-Friday days of the week. Sent her an email for possible dates of January 7, 9, 14, 15, and 16.

Sent a follow up letter to my email of October 24, 2014 to attorney Pointer requesting interview with parents of Nieto. Also in addition to the interview I added a request for a copy of Nieto's security guard card, taser card, and enclosed a medical release to obtain medical records for Nieto.

Requested from SFPD Legal the IAD audio recording of officer interviews, transcripts, and updated Chron after the 5/23/14 entry, and the IAD conclusion report.

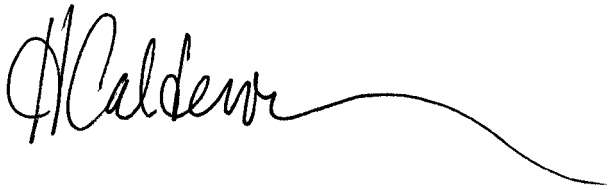


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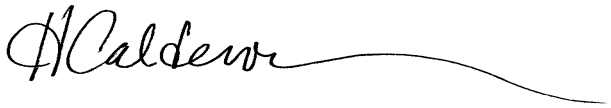
12/16/14

Appointment confirmed with Dr. Hart Medical Examiner at 2:00pm on Friday January 9, 2015.



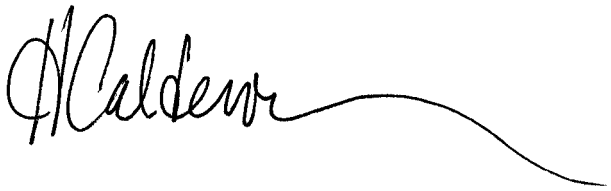
12/17/14

Case review with Sr. Inv. Fletcher and discussion of 270-day letter prep.



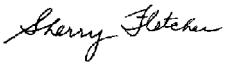
12/18/14

Prepared the 270 day draft letter and forwarded for review.



12/18/14

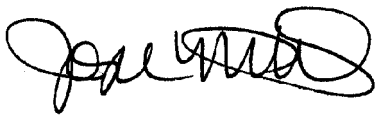
270 Day Letter received. Edits made and forwarded to Erick with attachments for review.



12/18/14: Reviewed and edited 270-Day letter. Letter fwd'd to Director Hicks for review/signature.



12.18.2014: Reviewed and signed 270-Day letter.



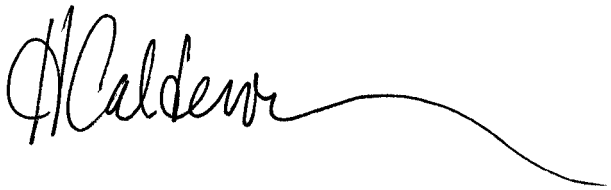
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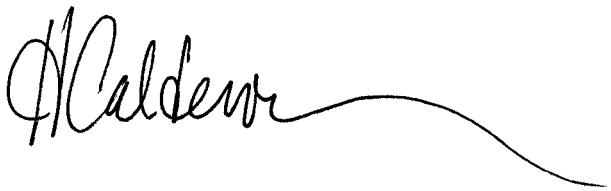
12/23/14

Received letter from legal stating they already provided information requested from IAD on 5/28/14 except the IAD conclusion report which is not completed until the Homicide, DA and Medical Examiner report are concluded.

Reviewed the evidence received on 5/28/14 and yes the interviews were included however the transcripts for IAD interviews were not included. Sent a letter to SFPD Legal regarding request.



Spoke to Julie of SFPD Legal and she informed me there are no transcripts for the IAD officer interviews.



1/7/15

Transcribed (Informal-not word for word but close) the IAD interview of Sergeant Jason Sawyer conducted by Sergeant Jayme Campbell:

Sergeant Sawyer gave a narrative of incident and stated that he and Officer Schiff responded to the "221" call of a Hispanic Male, 6'2", wearing red sweat shirt or jacket, black pants, and had a gun on his waist or hip with hand on it and this is what caught his attention. The sergeant stated that they were the closest unit and directed Officer Schiff who was driving to Cortland Avenue to Anderson to top of Bernal Hill and to loop to the Mission side on Folsom. The sergeant stated that on their way to the call he was discussing the call with Officer Schiff and the possibilities for taking cover and what to look for and for them to split up in "triangulation". He stated that on top of Anderson there was people walking dogs and they went counter clockwise direction toward Folsom and encountered another unit. He said that on the Folsom side there is a paved road that had a hinged gate however near the garbage can there is a path walkway

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that Officer Schiff knew to maneuver onto the path. The sergeant stated that a person walked by and he could see far by the bend someone with red and said, "think that's our guy." He said that distance was about 25 to 30 yards away when they stopped and both exited their vehicles and he took a position of cover behind "A pillar" immediately yelling commands to the effect of, "Police get your hands up. Let me see your hands. Show me your hands." Sergeant Sawyer stated the suspect was walking toward them at a good pace as if he were going someplace and was not startled by their appearance and he doesn't slow down or stop and he is eating something. Sergeant Sawyer said he thinks the caller said it was chips but he was still too far couldn't tell. The sergeant said he continued to identify himself and said he saw a bulge under suspect's sweatshirt still walking toward them. Sergeant Sawyer said he said, "Let me see your hands and the suspect said, "Let me see your hands." He then said the suspect lifted his sweatshirt with his left hand and with his right hand he pulls out a gun and points at it at them and immediately he saw a red laser. Sergeant Sawyer stated he fired and at that distance he could not see any obvious signs as he was firing that he was getting shot or in any pain or any compliance. The suspect had his gun up and sergeant Sawyer said he could still see the laser and fired and doesn't know how many rounds but he kept firing. He said at one point the suspect dropped to a knee and prone out but was not sure if it was because he was hit or taking a tactical position. He did not know but he said he was prone out and could still see his gun was up and the laser was pointed at them and his head was up so he was looking at them the whole time. Sergeant Sawyer said he was still shouting commands, "Police. Drop your gun. Let me see your hands," the whole time and he is not complying and sergeant said he kept firing. At one point, Sergeant Sawyer said his gun went empty and he did a tactical reload or emergency reload and said his gun went back up. He said the suspect's gun was still up and suspect was still looking at them so he kept firing. At one point he said the suspect's head finally went down toward the ground and the gun turned to the side and he appeared to go limp and at that point he yelled, "Cease fire," and waited while yelling commands," Let me see your hands," and there was no response.

Sergeant Sawyer stated he noticed two other officers Morse and Chew had come up but didn't know when they arrived and coordinated to form a wide skirmish line the width of the path and approached the suspect giving commands the whole way up. He stated someone kicked the gun out of the suspect's hands and

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sergeant stated he started to give directions at the scene. He said at one point the suspect was handcuffed and given CPR. Sergeant Sawyer said his roles changed to scene management and separated the officers involved who fired and he was sure that an ambulance was called and CPR was done until another sergeant relieved him.

Sergeant Campbell asked Sergeant Sawyer when did he become aware that the weapon that the suspect had was a Taser and he stated when they walked up to the suspect and the gun was kicked out of his hands he could tell then that is was a Taser because it had been activated because it had these prongs sticking out. Sgt Campbell asked sergeant Sawyer if he was familiar with Tasers and he stated that he was not at the time and had no knowledge that they have red lasers.

Sergeant was asked if he was able to ascertain the mental status of Nieto upon contact and he said nothing specific other than because he spoke to them he was able to tell: 1) that he spoke English, 2) that he understood them, and 3) it was apparent that he knew who they were. Sergeant said that Nieto as he was approaching did not suddenly stop to have like a standoff and not obey their commands while he is waiting for them and hesitate. He said he was moving at a steady pace and he didn't know if he was going to stop and upon hearing their commands and immediately he told them "show me your hands" and as fast as someone can he pulled the gun out right away and pointed it right at them. He didn't hold the gun like to the side in the air at the low ready or anything to give them a pause to sit there and say "Hey listen. To try to negotiate- Hold on now let's slow this down- You don't want to do this" or give them any type of dialog beyond that it was as quick as he can point it out and pull it I see a red light it was that fast. Sergeant Sawyer was asked if he was informed that there was a mental health issue would he have responded differently. He responded that if he knew in advance that he would have called a SIT officer and he could try to get someone to speak and he would have had less lethals on scene to create a perimeter before going in. Sergeant Sawyer said but to be clear that is a unique situation because unless they knew in advance that he did not have a real gun even if he had mental health issues if he is in fact armed and in an area that is crowded with people there is still a public safety danger that trumps the mental health issue. Sergeant Sawyer said that from this perspective because everything that they were lead to believe going up there was that the gun was real. He said they

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have so many people that are going a little nuts with the guns. He still could not stop and pause and say hold on a minute let's get everyone else up there. He said first public safety is primary so they still would have called the other units it wouldn't have stopped him from having responded without knowing that the gun wasn't real. He said he had no time to ascertain this guy's mental status.

Sergeant Sawyer was asked if in his 19 years experience have all calls of a person with a gun has every call resulted in the person having a gun and he said no and has not altered the manner in which he responds to these calls because every situation is different. Sergeant Sawyer was asked why did the call of a gun on the waistband catch his attention and he said it wasn't in the waistband either on the hip or waist the difference being like a holster and it just doesn't happen. You just don't' get calls for real people with guns in a holster. So when he hears holster he thinks it either an off duty policeman or undercover police but they don't wear red because of gang issue so it could be a policeman it's possible but doubtful. He stated that the bad guys are concealing their weapons in the front or back of waist and upon contact they run or flee and no one has a standoff with the police when they have no cover.

Sergeant Sawyer was asked about what language did he speak to the suspect in and he stated he spoke English and Nieto's response to officer commands was "show me your hands." Sergeant Sawyer described the tone as commanding. He said his body language once he saw them was walking at a brisk pace and he did not slow down, hesitate, or stop, no attempt to look over his shoulder or run away. He kept marching towards them when officers were out of car with their weapons pointed until the dialog exchange where they told him to show his hands and he told them to show their hands and that is when he stopped to produce his gun. Sergeant Sawyer was asked what position was the suspect when he took out the gun and he stated that he was in a "modified weaver stance" which is a traditional arm legs roughly… shoulder was…… (16) right hand and used two hands to point weapon at them. Sergeant Sawyer said suspect went right to his waist and had no issue pulling out gun, no issue with function of gun to activate the red laser. He seemed familiar with his weapon. Sergeant Sawyer was how was the red laser significant to him and he stated that with a red laser you don't have to worry about acquiring your sights because where ever the laser is that is where the bullet should go. He said

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lasers are primarily an after market accessory but he has encountered numerous suspects armed with firearms that have lasers attached to them. Sergeant Sawyer he said he wasn't aware at the time that Tasers had lasers.

Sergeant Sawyer was asked what sounds he heard –own bullets? Ricochet? Sergeant Sawyer said that there was some type of auditory exclusion that goes on and said normally at the range after he shoots several times he hears especially being training in tactical he is very peculiar of how loud gunfire is and when he doesn't have protection how bad it hurts. He stated that this was not the case as soon as he fired it sounded more like "pops" then because he was engage with suspect he did not remember any other sounds. He was firing an at one point he heard Officer Schiff yell "red" indicating that he had run out and he yelled "covering" and then heard Officer Schiff yell back, "up". Aside from this he didn't hear any other sounds.

Sergeant was asked while the suspect was still standing in what position were his arms and he responded that he remembers his arms were extended and the laser was out. He said then as the suspect dropped to his knees he immediately went into a prone position and the gun was out and forward as if he assumed the prone position and his back legs were crossed over and gun was out and up. Sergeant Sawyer was asked what did the prone position mean to him and he responded that the prone position is the most stable shooting platform because when you are standing you have to worry about the weight of the gun deal with shoulder and when you are prone out it is much easier to stable the gun you can actually rest side of hands cup them or rest on pavement and the gun is much more accurate to shoot it. He said it appeared that the suspect took this position to continue to shoot at them. He stated that if the suspect was shot at that point he doesn't know because there was no obvious signs that he had been shot or any distress at all.

Sergeant Sawyer was asked if he identified himself and he stated he doesn't' recall exact words but there is no reason for him to not believe they were police. Sergeant Sawyer said he drew his weapon as soon as he exited the vehicle and gave the suspect warning before firing, "Police show me your hands." He said he fired his weapon because when he saw that laser he thought he and officer Schiff were going to get shot. He doesn't remember how many shots he fired. He said he was kneeling behind the door and his weapon grip was "cup and saucer" with left hand on the

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trigger and right hand supporting his left and his target was the suspect. Sergeant Sawyer did not recall acquiring his sights on first couple of rounds and a one point he reassessed to acquire sights. He described the terrain as uphill and sky. The sergeant stated that before the approach and as firing he kept saying, "Show me your hands," and ceased fire when the suspect's head dropped and his gun was to the side and there was no response from the suspect. The sergeant was asked if he had an "ERW" in the vehicle and he responded that it was not a reasonable option to a call of a man with a gun. All indication he was armed and not going to bring a less lethal to a lethal scenario as lead to believe he had a real gun. The sergeant stated he did not experience tunnel vision and said he was acutely aware of his surroundings. Sergeant Sawyer stated that Sergeant Riskin responded to the scene and he gave him a public safety statement and said he was monitored after the incident until a POA attorney showed up. He stated he suffered no injuries as a result of this incident and was not impacted in other ways such as no loss of sleep or appetite.

He stated that the intent when responding to the scene was to find the man with the gun and deal with him. He elaborated that obviously the plan is always a peaceful resolution and doesn't know what the disposition will be. So when we made contact with this because obviously it is a very dangerous call he said they give the suspect every opportunity to end peacefully. If it is a misunderstanding, which is frequent cause, someone is mad and they make a fake call, which could happen if he does in fact have a gun, there are numerous options to end peaceful but this was not the case. Sergeant Sawyer said he fired to protect his life and said that no other force options were considered after verbal persuasion failed. He stated that pepper spray, less lethal and physical control were all options that don't work in this scenario.

Sergeant Sawyer was asked to describe where were the suspects hands when they saw him approaching and he stated that he was not holding his hip and said that the suspect was moving as natural as someone walks and as he continued to do so until exchanged words and he stopped to produce the gun and that is when his hands went up. The sergeant was asked if the laser swept him and he said that his experience with lasers is that you have to be relatively close otherwise if it is at 90 degrees
it is faint strong beam and he doesn't remember looking down to see if the beam was on him or where exactly it was shining, on

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the car, or Officer Schiff he doesn't know but knows that it was bright and very close. At that moment it translated in his mind as he is pointing the laser at him and going to shoot him. The sergeant was asked if he had known that the suspect did not have a firearm his tactics would have changed. Sergeant was asked if he noticed if Officer Schiff was in a similar position that he was at the time when they got out of car and he responded that he did not know if he was in a kneeling or squatting position. The sergeant was asked if he remained in the kneeling position- one knee until he broke cover to approach and he responded that he never changed his shooting platform. The sergeant was again asked about the public safety statement he put out over the air and he stated that he went over the air immediately to call for a "200, a 408 and said officer involved 217 the cops are okay the bad guy is down and doesn't remember what else but when Sergeant Riskin he briefed him and said that at the time he was wearing a couple of hats in that he was an involved officer and a supervisor at the scene and getting medical, etc. The sergeant said he knew he had to leave the scene and informed Sgt. Riskin whom the other involved officers were.

1/9/15

Interviewed Medical Examiner Dr. Hart- summary of interview to follow.

JCalderon

1/15/15

Summary of OCC interview with Chief Medical Examiner Dr. Amy Hart:

Dr. Hart stated that she responded to the scene and saw where Alejandro Nieto's body was located, where the police vehicles were located, and where the casings were located. She said that there was some distance from where the body was and the casings. Dr. Hart stated that she was not able to determine the distance where the shooter was at the time each shot was fired and a wound inflicted on Nieto. However, she stated that the shots were not made at close range of fire but taken from a distance because the

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skin surfaces and the clothing had no soot, gunpowder residue, artifacts or blast. Dr. Hart also was not able to determine the exact position of Nieto's body at the time each bullet made entry and unable to determine the sequence of the shots fired. For each of the bullet wounds.

Dr. Hart stated that she did not prepare a diagram of the Autopsy for Alejandro Nieto and stated that she captured the autopsy in words in the Medical Examiners Business Records on pages 3-12 and then did a summary on page 15. Dr. Hart Reviewed the autopsy diagram that was produced by the justice4alexnieto.org and stated that her medical report was translated fairly well per the diagram and if graded she would give it a B+.

1/20/15

Continue with summarizing/ transcribing IAD officer interviews.

JCalderon

1/21/15

Continue with transcription of IAD interviews.

JCalderon

1/22/15

Working on overview summary report of case for attorney Frankel.

JCalderon

1/23/15
Provided copy of overview to Attorney Frankel.

JCalderon

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1/27/15

Continue with summary of ME interview.

HCalderon

2/4/15

Continue with transcription of IAD interviews.

HCalderon

2/10/15

Meeting with Attorney Frankel and Acting Sr. Inv. Fletcher on case update. Discussed [redacted]

Transcribed (Informal-not word for word but close) the IAD interview of Officer Richard Schiff conducted by Sergeant Jayme Campbell:

Officer Schiff stated he was sitting in his vehicle with Sergeant Sawyer getting constructive feedback from an E585 he had finished when he heard the call of a 221- someone with a gun and said he came up for the call and a description was given of a male with red sweats plastic holster on right hip with a gun sitting on a bench eating chips. Officer Schiff stated he drove to Bernal Hill but metal gate covered entrance and had radioed dispatch to see if the suspect was inside or outside of the park he said dispatched did not know and needed to call back the caller so he decided to drive on the path way. He said they encountered a gentleman in a brown jacket not the suspect and as he continued up the hill he saw someone that fit the description and suspect was walking at a fast pace directly at the vehicle. He said the suspect continued walking- marching at them with a purpose.

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There was clear lighting to see the marked patrol car and this was a red flag typically someone does not walk at a fast pace toward the vehicle usually taken aback and stand to assess what's going on. He said that was the guy that fit the description and he began to slow down car at 50 yards and Sergeant Sawyer said it was too far so he drove closer to 25-30 yards parked and drew his gun. Officer said he was ready to protect himself when responded. He said the suspect stopped and they yelled, "show us your hands. Show us your hands." Officer Schiff stated that he suspect looked at him and made eye contact, "Show me your hands." At this point he lifted his sweatshirt slightly to expose his gun and holster. The suspect then turned down with right hand and drew his weapon and at that point the officer said he engaged the suspect. He said (near end???) of fire fight he could hear sergeant Sawyer through his earpiece communicate with dispatch on air what was going on and at one point he fired a gun dry and went to switch magazine and yelled, "Red." He said sergeant Sawyer yelled, "Covering" and he reloaded and came back up and saw earlier he said he saw red light emitted from suspects weapon. He said that he was still facing them with weapon pointed at them after reloading. Officer Schiff said he continued to engage suspect and at one point he said suspect fell or jumped to the ground and appeared to be laying down in a prone position- on stomach with legs folded up which is a tactical maneuver since he didn't have cover to make himself a small target to reengage. Officer Schiff said he recognized that as someone who has had military training. Officer Schiff could still see the red light and he continued to fire until he heard Sergeant Sawyer yell, "Cease fire. Cease fire."

Officer Schiff said he didn't know this before and realized later that another patrol unit- Officer Chew and Morris once ceased fire he saw Officer Morse come on left side of him and Officer Chew come on right side of Sergeant Sawyer. At that point he said they tactically moved forward and he switched out his magazine to make sure he had full rounds because he was not sure if the threat had stopped. He said they got to the suspect on the ground and Officer Morse used his foot to kick out the gun and he and another officer he doesn't recall who handcuffed the suspect and Officer Schiff said he put on gloves and searched the suspect and found a couple of mace cans and handcuffs. He said he rolled him back over once secure that there were no weapons; he checked his pulse attempted to render aid but didn't feel a pulse. He said another officer grabbed him and asked if he was involved and he said yes and was told to immediately be separated

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from other officers. He stated he had heard in earpiece someone called for a "408" while they were approaching the suspect.

Officer Schiff was asked if when he responded to the scene if it was code 3 response and he responded it was typical patrol because he would not want to alert someone with a gun that they are coming. The officer was asked at what point did he know that the weapon the suspect had was a taser and he responded that when he observed Officer Morse kicked it out of the suspect's hand he saw the wires coming out of it so he assumed it was a Taser. The officer was asked if he has experience with Tasers and he responded that he has no experience with Tasers. The Officer was asked if he had Crisis Intervention Training and he responded that he had none. The officer was asked if he had prior knowledge to contacting the suspect about his mental health status and he responded that he did not. The officer was asked if he were able to ascertain the suspects mental health status upon contact and he responded no but what he can say is that the suspect clearly understood his commands with his response refusing to do so. The officer stated that the suspect recognized he had a weapon out, he was in a marked police car, and that he was an officer all he can speculate at least the suspect knew who they were and aware of the decision he was making. The officer was asked if the suspects mental health status become a thought and the officer responded no not at that point because he was concerned with the threat at hand and his safety and safety of others. The officer was asked if his response would be any different if he learned the suspect had mental health issues. The officer responded no the reason –even if he had he knew at that point that when someone draws a weapon and points at him he is in fear of his life, fear of sergeant's life and he needs to stop the threat. The officer was asked if he has responded to calls of a person with a gun in past and he responded he cant' recall if he responded to a 221 call specifically. The officer was asked does every call that comes out of someone with a weapon doe it always turnout that the person has a gun. The officer responded no absolutely not. The officer was then asked Knowing that not every situation results in someone actually having a weapon does this alter the way you respond to these calls and he responded that he recalled responded to a call of a firearm a few weeks prior but had no merit to the 221. The officer was then asked does it affect how he responds and he responded no, he always responds the same prepared for either one.

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The officer was asked when he made contact and he and sergeant Sawyer said, "Show me your hands," what language did the suspect speak? The officer responded that he spoke English. The officer was asked if he responded to him and he responded that the suspect responded in English, "Show me your hands." The officer was asked if he could describe the suspect's movement/positioning and body language, specific threats towards them. The officer responded that the suspect had an aggressive walk toward tem with a purpose, moving fast, at one point he had to step out of the vehicle and drew his weapon and began to give commands. He said the suspect took a fighting stance which he described as one foot forward and one back shoulder width apart indicating he had fighting experience, military experience, or intend to fight as that moment. The officer was asked what was his feeling then and he stated his feeling was that the suspect was presenting a threat and officer was in fear for what he is going to do then but officer said he was one step ahead and saw suspect draw his weapon he was in fear of his life. The officer was asked what significance did the red laser light have for him and he responded that typically when he sees a laser with a weapon he thinks tactical training, military- not everyday run of the mill and determined that suspect may have more experience then he. The officer said that at that point when suspect has weapon with red laser at that point he is picking up sights trying to pick him up with weapon attempting to engage him. The officer was asked when he is firing his weapon what kind of sounds does he recall hearing and he responded gunshots. He was asked if he believed he heard bullets coming toward his head and he responded that he did not believe bullets were coming directly at him but did hear gunshots fired but of course sergeant was firing and other firing there is no way to tell whether or not he wasn't firing as well. He said he couldn't tell who was firing what and where. The officer was asked while he was firing at the suspect what was he doing and the officer responded that the suspect continued to point his weapon at them the entire time during engagement. The officer was asked to explain more about when he went to the ground and if it looked like it was purposeful or did he fall or what? The officer responded that in all honesty when it happened it didn't appear like someone falling forward. He said it looked more like someone jumped to their knee to prone with hands in front of him in order to make himself a small target and in a tactical position. The officer was asked what was suspect doing with his arms/hands and he responded that they were stretching out with laser and weapon pointing in their direction. The officer was asked if he identified himself as a

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police officer and he stated that he never said, "I'm a police officer," he said it happened way too fast however with car and uniform and giving commands there is no way he would not know. The officer was asked if there is any reason the suspect would not have known he was a police officer. The officer responded that there is no way he would have been impossible for him not to know he was an officer. The officer was asked if a guy coming down the hill looked as they went up and the officer responded that the guy never said what's going on but calmly stepped out of the way and continued to walk down the park. The officer was asked if there was anyone else around and he responded no only the suspect was in the immediate area. The officer was asked what was in his backdrop at that point and he responded the hillside and road. He was asked if he saw any houses and the officer responded no.

The officer was asked when did he draw his firearm and he stated when he stopped the vehicle and stated that the goal is to draw weapon as soon as possible but he was also the driver of the vehicle. The officer was asked to explain why he drew his weapon and he responded that he drew it in self-defense. The officer was asked if he gave a warning before firing and he responded that aside from saying, "Show me your hands," which he acknowledged but disobeyed he believed he was about to engage him. The officer was asked what does he mean by "engage" and the officer responded he believed the suspect was going to fire at him and he was in fear for his life and partners and anyone around. The officer was asked if he knew how many rounds he had fired and he stated no. The officer was asked what was the 1st magazine change for and the officer stated because he went "Red" and the second was a tactical change to make sure he was at optimum. The officer was asked what was his grip and stance on his weapon and he responded one foot was out of vehicle and one foot in and he was behind cover to give orders but was visible and both hands on his weapon. He was asked what was his target and he stated the suspect. He was asked if he acquired sights and he responded yes. The officer was asked what was the suspects tone when he said, "show me your hands," and the officer responded the suspect was yelling in a disobeying tone with no intention of adhering to their orders. The officer was asked if there were any other exchange of words and the officer responded if there was he did not hear it. The officer was asked if he said anything else to the suspect and the officer said no. The officer was asked why did he stop firing and the officer responded that his sergeant

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yelled, "Cease fire." The officer was asked if he felt the threat was over and he responded that he trusted sergeant Sawyer and he must have saw something maybe that he didn't see and determined that the threat was over. The officer was asked if he had an ERW if he would have used it and he responded no because in a typical situation an ERW is used when someone threatens to hurt themselves never for a gun call. The officer was asked if he experienced any sensory distortion, tunnel vision, auditory explosion and he responded that possibly some occurred but nothing notable he felt in control the entire time. The officer was asked if any other supervisors responded to the scene and he responded yes Sergeant Chin. The officer was asked if he provided a public safety statement and he said no he had already been separated. The officer was asked once the scene was safe how long did he remain at the scene and he stated time distortion maybe about 5 minutes. He was asked who monitored him and he responded FTO Fogato and Officer Bradford. Officer was asked if he had any injuries as a result of this incident and he responded no. He was asked if incident has impacted loss of sleep or appetite and he responded no. He was asked if he knew the suspect and responded no. The officer was asked what was his intention when he responded to the scene and he said to see if there was a weapon, make scene safe, and stop the threat/ suspect. The officer was asked what was the suspect/threat doing and the officer responded firing at him. The officer was asked if other force options were considered and he responded that the level of force he chose to meet the suspect was with weapon like that appropriate level.

The officer was asked if he saw where the suspect's hands were when he first saw him and he responded that they were toward his midsection holding hands together best described for example at range hands up to ready position to sternum allows for quickest movement to get any tool. He was asked if it meant anything to him and he responded absolutely aggressive way to have your hands to be ready like that to move quickly might have tactical or military experience. The officer was asked to use one adjective to describe when the suspect lifted his shirt and said, "show me your hands," and the officer responded "Angry." The officer was asked if the suspect drew his weapon 25-30 yards away directly in front of him and he responded yes in front of vehicle. The officer was asked as the suspect draws his weapon what view of the weapon did he have and he responded that he had a clear view. The officer was asked to describe the weapon and the officer responded a plastic holster big large caliber black handgun. The officer was asked if he was looking at the top of the suspects

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weapon and he responded yes. The officer was asked if he was looking directly down a the muzzle of the weapon and the officer said he was looking at the barrel. The officer was asked if he saw color on it and he responded no because he is seeing the barrel straight from top of the weapon would not see the side. The officer was asked so when the suspect has weapon up in raised position is the light immediately active and the officer responded yes at point he saw hand go down he recognized semi auto weapon drew weapon with right hand both hands saw red lights from weapon holding it in "punch out" as that means he is going to fire acquire sights and fire engaged begin shooting at him. The officer was asked if he had military experience and he said no. He was asked what led him to the conclusion that the suspect when in the prone position believed it was a deliberate tactical move or military training and he responded from his experience at the academy and FTO he was taught all standard movements to make oneself a smaller target. The officer was asked if training was fresh in his mind having graduated on 12/28/13 and he responded yes.

HCalderon

3/2/15

Read on the Alejandro website www.justice4alexnieto.org that the DA's office concluded that the officers actions were clearly reasonable.

HCalderon

3/3/15

Continued with transcript of IAD interview of Officer Schiff & Morse.

Summary of the IAD interview of Officer Roger Morse conducted by Sergeant Jayme Campbell:

Officer Morse is asked what did he think when he heard the gun call at Bernal Hill with suspect wearing red and gun on hip and he responded that what came to mind is that there are Norteños out there. He was asked when he responds to a (Waiting for IAD transcript 3/17/15)

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HCalderon

3/4/15

Requested the updated homicide chron, conclusion report, the DA declination letter, and the updated chron from IAD, and Conclusion report from IAD.

Visit to scene.

HCalderon

3/9/15

Call to witness [redacted] at [redacted] went to voicemail however his message box was full and I was unable to leave a message.

Spoke to witness [redacted] who was at a noisy restaurant at the time and stated he would call me back later.

3/9/15

Summary of OCC audio-recorded interview with witness [redacted]:

Witness [redacted] stated that he walks his dog frequently everyday either in the morning or the evening and on the date of the incident he walked his dog in the evening. The witness stated that it was around 7pm and said it was cold, brisk, windy, and it was still light out. He stated at the time he was walking down the slope on the north side of Bernal Hill Park. He said there was no one out at the time until he came down the slope and saw one person whom he said now knows was "Nieto". He said that Nieto was standing by the benches eating a burrito looking out to the city view. The witness said his dog approached because he smelled the food and he started to walk toward his dog and noticed that Nieto had a gun on his belt. The witness said he called his dog and his dog responded and he grabbed his dog. The witness said he did not have any interaction and there was no exchange of words with Nieto. The witness said he made a left

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turn on the road to head to Stoneman Street. The witness said he encountered a couple of white guys in their thirties sort of

3/19/15

squatting. He said one of the guys said, "Did you see the guy with the gun?" The witness responded yes and the guy told him, "We called the cops." The witness stated that the guys seemed really concerned and were kind of hiding behind the trees. He said both guys had dogs with leashes. The witness stated that he continued to walk on Stoneman Street to Shotwell Street when he heard the gunshots in rapid-fire succession. When he turned around he said he saw one of the guys running and assumed he was being shot at. The witness then said he called 911 and reported that someone was shooting and described Nieto then the dispatcher told him Oh the officers are there. The witness stated that he remembers hearing 2 volleys of shots and echoes.

HCalderon

Received email from attorney Frankel's communication with [redacted] Adante Pointer clarifying that he is representing the decedent Alex Nieto and his parents Refugio and Elvira Nieto. At this time he is declining to provide a HIPPA release.

HCalderon

3/10/15

Non-Routine request to legal for a copy of the "flyer" used for witness canvassing at the crime scene.

Meeting with attorney Frankel and Sr. Inv. Fletcher to review evidence obtained thus far and prepare the next steps for investigation. The next steps are as follows:

1. [redacted]

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[redacted]

Met with Director Hicks, Attorney Frankel, Deputy Director Baltazar, and Sr. Inv. Fletcher to provide an update of the case and where it stands as of today and what still needs to be done.

HCalderon

3/11/15

Ran the officers' schedules.

Received a letter from SFPD Legal stating that the District Attorney's declination letter is enclosed. Also in the letter it states that the Homicide and IAD conclusion reports are not completed as of today. The letter also states that there are no new entries on Homicide's chron after 9/30/14 and no new entries on IAD's chron after 5/23/14.

HCalderon

3/12/15

Received from SFPD Legal the flyer used by Homicide for canvassing for witnesses.
3/12/15

Scheduled officers Sawyer & Chew on 3/31/15 and Officers Morse & Schiff on 4/1/15. Updated the ACFs and provided a copy to admin.

HCalderon

03-13-15 Received an email request to draft an SDT for El Toro Night Club. Reviewed CWS and prepared SDT. Forwarded it to SI Fletcher.

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Manny Notes

3/13/15

Received a copy of the SDT from Manny.

H Calderon

03/16/15: T/C from Lt. Woon. Confirmed that there are no additional entries in the Homicide Chron. However, there are additional entries in the IAD Chron., which will be sent today.

C. Baltzer

3/17/15

Received proof of service for Lt. Sawyer.

Received the updated IAD chron. Requested a copy of the IAD officer interview transcripts.

H Calderon

3/19/15

[redacted]

Received proof of service for Officer Morse.

H Calderon

3/24/15

Received proof of service for Officer Chew.

Preparing Officer interview questions.

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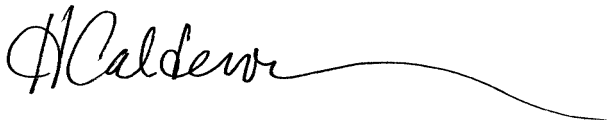
3/30/14

Received the IAD transcripts for their Officer interviews.



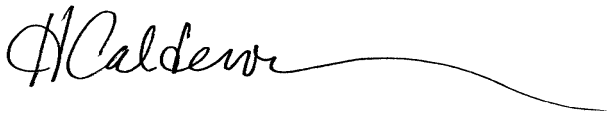
3/31/15

Conducted interviews with Officers Sawyer and Chew. Summary to follow.



4/1/15

Conducted interviews with Officer Morse and Schiff. Summary to follow.



4/13/15

Summary of recorded OCC interview with Lieutenant Jason Sawyer:

The officer's narrative statement is consistent with his Homicide and Internal Affairs Division Statements. The officer's statement in regards to the UF allegation is that he was responding to a gun call and when he spotted the complainant who matched the description he got out of his vehicle with drawn weapon and took cover on passenger side by A pillar and stated that Nieto kept walking forward towards them at a good speed not casually. The officer said he gave commands immediately for him to show him his hands several times but Nieto did not comply but instead told them "Let me see your hands." At the time the officer said Nieto had a bag of chips but threw it down. The officer stated that Nieto lifted his jacket on the right side and pulled gun on his hip pointing it at him and Officer Schiff. The officer said he saw a red laser. The officer stated he did not see any markings on Nieto's weapon at the time because he pulled the gun straight

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out and the laser came on which meant to him that he was going to shoot so he fired his weapon. The officer stated that Nieto's arms were fully extended and he and partner were still yelling the whole time for him to drop his weapon. Lt. Sawyer said there was no time for a warning prior to firing his weapon because this happened very fast. Lt. Sawyer said as soon as he saw the red laser he fired his weapon because he believed he and Officer Schiff were going to get shot. He stated after he fired his weapon he did not see any reaction from Nieto. Lt. Sawyer stated he did not know if Nieto was not getting hit because he was missing and this was the reason he continued firing. He said the Nieto was his target and was shooting from a kneeling position. Lt. Sawyer did not know if Nieto was getting shot and when he went down to a prone position he did not know if it was because he was hit because at that distance of 25-30 yards he could not see any obvious signs of injury. He described Nieto as standing in a weaver stance with gun up and then dropped to a knee and then prone with arms fully extended and his head up and gun up and pointed and the laser was still on. Lt. Sawyer said that during the shooting he did pause to reload his weapon and then he ceased firing when he saw Nieto's head dropped to the side. Lt. Sawyer stated that his use of force training teaches to stop the threat and stated that they are not trained to shoot a specific body parts to disable a suspect. Lt. Sawyer is a specialist in Special operations with 17 years of numerous training that includes critical incidents, crowd control, water, dignitary, flying etc. Lt. Sawyer stated he fired his weapon to defend himself when red laser weapon was pointed at him and partner.

Lt. Sawyer said he then noticed that Officer Chew and Morse were also at the scene and had fired their weapon. He said he coordinated a skirmish line to approach Nieto. He stated that Nieto appeared breathing and ambulance was called immediately. He stated Nieto was handcuffed and one officer was providing CPR doesn't know whom. Lt. Sawyer stated that he realized that Nieto's weapon was a Taser when one officer kicked the weapon out of Nieto's hands. He stated the Taser had a sticker on the side with markings on it – yellow and he saw the leads on it- wires. Sawyer stated that he assumed his supervisory role at the scene and made sure shooting officers were separated until Sgt. Riskin responded and he provided a public safety statement and then was transported to Ingleside Station. Lt. Sawyer stated that he did not shoot at Nieto when he first saw him lift his jacket because he said this happened so quickly that he began to shoot when he

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saw the red laser on Nieto's weapon because to him that meant he was going to shoot at him or partner.

Summary of OCC recorded interview with Officer Nathan Chew:
The officer's narrative statement is consistent with his Homicide and Internal Affairs Division Statements. The officer's statement in regards to the UF allegation is that when he and partner Morse stopped their vehicle on the scene behind and to the side of Officer Schiff and Sergeant Sawyer's vehicle he saw Sergeant Sawyer with his weapon out and he saw Nieto in a prone position with his hands extended, with his head up, and his hands holding a gun with a red laser. Officer Chew said the red laser swept across his face and he aimed at him. Officer Chew said he moved to take cover behind vehicle and he drew his weapon and fired at Nieto for his safety because he was afraid Nieto had fired at him or partner. Officer Chew did not know how many shots he fired but said he continued and then paused briefly to assess. He stated he stopped firing when he saw Nieto's head drop and heard Sergeant Sawyer yell, "Cease Fire". Officer Chew described Nieto's weapon as a black handgun and did not see any markings or color during the firing of his weapon. He realized Nieto had a Taser after Officer Morse had kicked it out of Nieto's hands after they had approached. He described the Taser as boxy with wider front and it had been fired because he saw extended wires. Officer Chew said he had no other option for a weapon to used besides his gun for this type of incident. Officer Chew's use of force training includes to stop firing when the threat has been neutralized and feel it is safe to stop firing. The training does not teach officers to shoot to at specific body parts in order to disable suspects.

Officer Chew stated that he assisted with handcuffing of Nieto and search and then backed away so other officer could assess vitals. He stated Sergeant Sawyer called for an ambulance during handcuffing and after he backed away he said he was separated and transported to Ingleside Station.

Summary of OCC recorded interview with Officer Roger Morse:
The officer's narrative statement is consistent with his Homicide and Internal Affairs Division Statements. The officer's statement in regards to the UF allegation is that when he and Officer Chew came on scene with their vehicle off to the back right of the first vehicle he saw the passenger kneeling down returning fire

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to the suspect that was prone out with gun in hand. Officer Morse said he saw flashes and dust and believed that Nieto was firing at them. Officer Morse said he could not see the driver of the first unit but said the threat was still active. Officer Morse said he went over to the first car driver side to see if the officer was ok while still looking at Nieto who was prone out. He saw flashes and he engaged with his firearm. He described Nieto's weapon as a semi auto black handgun and stated that he did not see any markings on the gun at the time. Officer Morse stated he stopped firing when he heard Sergeant Sawyer yell to stop firing. Officer Morse stated they went to "clear" Nieto and had their weapon out when approaching because Nieto still had his weapon in his hands. Officer Morse stated at that point he kicked it/ tapped it out of his hands and realized it was a Taser. He said Nieto was rocking slightly and he heard gurgling and he then walked to the car to get other equipment needed for the crime scene. He stated that Officer Chew and Schiff rolled Nieto to handcuff him and then rendered aid. He said he was then separated and transported to the station.

Officer Morse stated that during the incident he did not recall a red laser. He stated that he fired his weapon because he believed the Nieto was shooting at the officers to harm or kill them and was still a threat so he returned fire. He stated he had not other weapon choice for this type of call because a call of a man with a gun trumps anything else. Officer Morse stated that his he received training at the Academy and has FATS training and Advanced Officer training as well. He stated they are taught to shoot at the center mass of a person but to fire until no longer a threat. He stated they are not trained to disable people.

Summary of OCC recorded interview with Officer Richard Schiff:
The officer's narrative statement is consistent with his Homicide and Internal Affairs Division Statements. The officer's statement in regards to the UF allegation is that once he drove and parked the vehicle at the scene he exited with his weapon and stood while he and sergeant Sawyer issued commands to Nieto to show his hands as Nieto was walking towards them at a fast pace. The officer stated since Nieto did not comply to repeated commands Nieto then told him and Sergeant Sawyer to show him their hands. Officer Schiff stated that Nieto stopped and lifted his shirt and drew his weapon and red laser emitted from it. He described the weapon as a black semi auto with a red laser. Officer Schiff engaged with fire because he believed that his life and sergeants

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were in jeopardy and believed Nieto was exchanging fire. He stated he though he could be dead if he did not respond with fire. He said he heard explosion sounds. He stated that there was a volley of shots because he paused because he went "red" and did a magazine change. He stated he could not tell from that distance if Nieto was injured but stated that Nieto went to a prone position and he believed he had military training because this was a fire fight and he had no cover so by him going down to a prone position made him a smaller hard target and is more effective for Nieto who had hands out. He stated he stopped firing when he heard Sergeant Sawyer yell "Cease Fire." Officer Schiff stated that Sergeant Sawyer and other officers who responded approached Nieto who sill was prone with firearm in his hands. Prior to approaching he said he did a tactical reload, which is taught in training to make sure you have a fully loaded weapon. He stated that Officer Morse kicked the weapon out of Nieto's hands and realized he had a Taser at that point He stated that Nieto was breathing, bloody hands and face. He stated he flipped him over and handcuffed him and then put on gloves to check pulse and going to give CPR when he was pulled off and another officer provided aid. He stated he and other officers were then separated.

Officer Schiff stated that he did not have experience or training on Tasers but knows the visual difference a common person would have if saw one closely. He did say that laser weapons were discussed in training as to what it is and its purpose, which is to pick up sights to shoot at someone. Officer Schiff stated he had no other option for another weapon for this call. He stated his use of force training was from the academy and has received the FATS training and at the range. He was trained to stop the threat when recognized and not trained to disable persons. Officer Schiff was in Field Training during this incident and was doing his ride along with a sergeant who was Sergeant Sawyer. He stated they did have an opportunity to discuss tactics prior to arrival to the scene.

JCalderon

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4/17/15

Meeting with Sr. Inv. Fletcher on status of the case.

Prepared the SDT for El Toro night club and will attempt to serve today.

JCalderon

4/20/15

Served the subpoena to [redacted] on 4/17/15 at El Toro Night [redacted].

Received a message from [redacted] requesting an extension and or if he can fax some documents.

Reviewed CAD for info on ambulance and first aid at the scene.

JCalderon

4/21/15

[redacted]El Toro Night club faxed over the last page of the subpoena with Alejandro Nieto's Security Guard license, baton permit, and his W-2 for 2014. A voicemail message was made to [redacted] regarding the documents sent and ones not included.

JCalderon

4/29/15

No response from Mr. Adante Pointer regarding phone message left with secretary on 3/17/15. Sent him a 10-day letter via mail requesting to interview Nieto's parents and information regarding witness who witnessed the entire incident.

Requested Sgt. Riskin's statement, which was not included in my copy of the IR.

JCalderon

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4/30/15

Call to witness [redacted] but there was no answer and his voicemail was full. Sent a contact letter to his address [redacted].

4/30/15

Requested from SFPD Legal the Homicide conclusion report.

Met with attorney Frankel for update on case. She will follow up on SDT and outstanding items [redacted] did not provide.

JCalderon

5/4/15

Received the copy of Sergeant Riskin's incident report statement.

JCalderon

5/5/15

Notice to appear sent to Inspector Cagney and Sergeant Riskin for interviews on 5/19/15.

JCalderon

5/6/15

Received letter from SFPD Legal stating that the Homicide conclusion has not yet been completed.

JCalderon

5/11/15

Received voicemail on Saturday 5/9/15 from witness [redacted] stating he would like to speak with me either Monday or Tuesday. [redacted]. Our phone lines are down.

JCalderon

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5/12/15

Our phone lines are still down.

Received an email from [redacted] Adante Pointer, stating that the Nieto's will not be allowed to be interviewed due to the civil litigation however, but he provided Attachment A of the claim filed with CCSF as the Nieto's account of what took place when they were notified by SFPD of Alejandro's death. He also stated that the name of the witness who witnessed the incident was given to the City Attorney's office and stated that at this time he does not have permission to release his name to the OCC he stated that after he is deposed later this month that he can release portions of it and suggested I follow up at the beginning of June after he receives the transcript of the deposition.

5/13/15

Received proof of service for Inspector Cagney.

5/14/15

Received proof of service for Sergeant Riskin.

5/19/15

Summary of audio recorded Interview with Inspector Cagney:

Inspector Cagney stated his team was assigned to investigate the Nieto case. He said his team consists of Sergeant Bonner and Burke. He stated that they were notified and responded to Bernal Hill on the date of the incident, they made sure the scene was secured, spoke and coordinated with CSI as to the evidence they wanted collected, assess if there were witnesses present, briefly spoke to officers that were separated, interviewed couple of witnesses, after all agencies contacted- DA, IA, OCC etc he then

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conducted interviews with officers involved. In order to ensure accuracy and transparency, he stated that interviews are tape recorded and video taped, the Lt. maintains control, and there are checks and balances because of the entities involved- DA, IA, OCC. The inspector stated that in all homicide cases that he always seeks information on persons involved as to their backgrounds, associates, historical records, medical anything that can offer evidence regarding what may have brought the person to the situation that caused their death such as in the Nieto case. Inspector Cagney stated he was not present for the community meeting when information was provided on the Nieto shooting.

The inspector stated that the SFPD does not provide the notification next of kin and stated that the Medical Examiner is the agency that does the notifications. He stated that occasionally they will assist when they have problems identifying the person. In the Nieto case Inspector Cagney stated that Medical Examiner was having problems with Nieto's prints in Sacramento and was precluding them from identifying Nieto. He stated that Sergeant Burke found information that possibly could identify who Nieto was and this is why they responded to the Nieto home. He stated that the house was a two-story house on Cortland and stated there was a metal gate and they rang the doorbell. He said at first they spoke English but Inspector Cagney said they were Spanish speakers so he told them that he would get a Spanish officer to translate. The officer then asked if they could go inside and they allowed them entry. Inspector Cagney stated that they walked up the staircase and came to a hallway and into the living room/dining room area. He stated that the Nietos were nice and never asked them to leave and was not adversarial.

Inspector Cagney stated that he began asking the Nietos basic questions about their son Alejandro as to his whereabouts, employment, clothing, whether or not he had problems with anyone, and if he had any medical or mental health conditions. He stated that there is a national set of information regarding circumstances where people who want to commit suicide can do it via suicide by cop so given the incident this is an area he explores also if there any conflicts with friends or family. He stated that when it became clear the Nietos son Alejandro Nieto was the individual at Bernal Hill that he gave the next of kin notification to them. [redacted]

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[redacted]

[redacted]

Inspector Cagney he interviewed all the possible witnesses and stated that the witness that the family's attorney claims witnessed the entire incident was not disclosed to the district attorney. He stated the criminal investigation is completed and the administrative portion is also coming to a conclusion with his conclusion report due on 5/29/15.

Summary of recorded interview with Sergeant Seth Riskin:

The sergeant stated that he responded to the scene of multiple 911 calls of a man with a gun. He stated the he responded to the scene and learned that officers had located the suspect and discharged weapons. He stated that he was the first sergeant on the scene besides Sergeant Sawyer however because he was involved he took over the scene. Sergeant Riskin stated that he obtained a public safety statement, made the necessary notifications, established the crime scene, preserved the crime scene, set a command post, and made sure medical care on their way. He stated he ensured that the involved officers were separated and removed from the immediate scene. He stated that other officers and sergeants assisted with this and stated he knows it happened but didn't over see this. He stated that when he first came up to the scene that Nieto was handcuffed and proned on the ground. He stated he did not witness when first aid was rendered and believed it was done before he arrived. He also stated that Lt. Delgadillo was on scene and had delegated Officer Dialag to write the incident report and Sergeant said he reviewed the report. He also stated that he photographed the scene prior to medical staff disturbing the scene. The sergeant said he then coordinated logistic station personnel.

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H Calderon

5/20/15

Interviewed witness [redacted] via telephone. His statement is consistent with the statement he provided to the DA.

H Calderon

5/27/15

Spoke with [redacted], manager of El Toro Night Club, Alejandro Nieto's (AN) employer at the time of the incident, at investigator Calderon's request. The purpose was to follow up with [redacted] production of documents pursuant to the OCC's subpoena for him to produce AN's employment records. The production received consisted of AN's W2 and W4 forms, as well as AN's Baton Permit from the California Bureau of Security & Investigative Services (BSIS), and the cancellation of his Guard/Patrolperson Registration due to his death, also from the BSIS.

[redacted] confirmed that the documents he produced were the only documents the employer had related to AN and his employment. Upon inquiry regarding any firearm, chemical agent or stun gun/taser permits or training documents as well as any employer policies regarding the same, [redacted] stated that the employer did not provide any of these, nor did it require them for employment. Regarding AN's having possession of a taser, [redacted] stated that he may have known that AN had one, but it would have been for his own personal use.

Under the circumstances, no further follow-up regarding the subpoena for documents from this employer is necessary, nor is it necessary to interview this particular witness.

Ian Wayne Frankel

6/1/15

Requested the homicide conclusion report.

H Calderon

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I recommend this case close with the following findings:

1. PC for the allegation of UF for the officers use of deadly force without justification. The complainants learned of the officer-involved shooting and stated officers used deadly force against Alejandro Nieto who was not armed with a gun but a taser when he was shot and killed at Bernal Hill Park. The complainants stated that Alejandro Nieto was lawfully allowed to carry a taser and use for his job as a security guard, which he was intending to go after he finished his meal at Bernal Hill Park. The complainants also complained of improper tactics.

   Records from the Department of Emergency Management (DEM)

   Police Dispatch records indicated that approximately minutes prior to this incident, the Department of Emergency Management (DEM) received a 9-1-1 call from a male caller at approximately 19:11:47 hours who stated he encountered a Hispanic male wearing a red jacket and black pants who had a black handgun on his hip and was pacing back and forth in front of a chain link fence near a bench. Dispatch broadcasted the call at approximately 19:11:52 as an A priority 221, Bernal Hill Park, LMA… male in a bright red jacket, 6'1", 200lbs, black pants, has a gun on his hip, black handgun. Male standing on the north side of Bernal Hill... Male is pacing back and forth by a chain link fence.

   The records indicate that the first unit on scene in the area is 3H104 at approximately 19:15:35 hours and located the suspect at approximately 19:18:18 Unit 3H104 stated, "I got a guy right here." At 19:18:40 unit 3H104 calls "Code 33! Code 33! We got a.." at 19:18:42 "Shots fired! Shots fired! Code 33!" At 19:19:00 "Officer involved shooting. 408 code 3!"

   A second call approximately minutes after the shooting, the Department of Emergency Management (DEM) received a 9-1-1 call from a male caller at approximately 19:20 hours stating that at the top of Bernal Hill Park there is a shooting and stated he passed a guy about five minutes ago who was wearing a red 49er jacket, had a gun in a holster, was Hispanic, mid twenties, and stated there were other people who at the park who were concerned.

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Officer Statements

Named **sergeant Jason Sawyer** said during his interviews with Homicide, Internal Affairs and with the OCC, that he was working as an FTO doing a ride-a-long with Officer Richard Schiff when the heard the call from dispatch and responded. He said after he spotted the complainant who matched the description he got out of his vehicle with drawn weapon and took cover on passenger side by A pillar and stated that Nieto kept walking forward towards them at a good speed not casually. The officer said he gave commands immediately for him to show him his hands several times but Nieto did not comply but instead told them "Let me see your hands." At the time the officer said Nieto had a bag of chips but threw it down. The officer stated that Nieto lifted his jacket on the right side and pulled gun on his hip pointing it at him and Officer Schiff. The officer said he saw a red laser. The officer stated he did not see any markings on Nieto's weapon at the time because he pulled the gun straight out and the laser came on which meant to him that he was going to shoot so he fired his weapon. The officer stated that Nieto's arms were fully extended and he and partner were still yelling the whole time for him to drop his weapon. Lt. Sawyer said there was no time for a warning prior to firing his weapon because this happened very fast. Lt. Sawyer said as soon as he saw the red laser he fired his weapon because he believed he and Officer Schiff were going to get shot. He stated after he fired his weapon he did not see any reaction from Nieto. Lt. Sawyer stated he did not know if Nieto was not getting hit because he was missing and this was the reason he continued firing. He said the Nieto was his target and was shooting from a kneeling position. Lt. Sawyer did not know if Nieto was getting shot and when he went down to a prone position he did not know if it was because he was hit because at that distance of 25-30 yards he could not see any obvious signs of injury. He described Nieto as standing in a weaver stance with gun up and then dropped to a knee and then prone with arms fully extended and his head up and gun up and pointed and the laser was still on. Lt. Sawyer said that during the shooting he did pause to reload his weapon and then he ceased firing when he saw Nieto's head dropped to the side.

Named **officer Richard Schiff** said during his interviews with Homicide, Internal Affairs, and with the OCC, that he was in the Field Training program doing an FTO ride-a-long with Sergeant Jason Sawyer. While on his way responding to the

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call he stated Sergeant Sawyer and he had an opportunity to discuss tactics prior to arrival to the scene.

Upon arrival to the scene Officer Schiff stated he parked the vehicle and he exited with his weapon drawn upon noticing Nieto and stood while he and sergeant Sawyer issued commands to Nieto to show his hands as Nieto was walking towards them at a fast pace. The officer stated since Nieto did not comply to repeated commands Nieto then told him and Sergeant Sawyer to show him their hands. Officer Schiff stated that Nieto stopped and lifted his shirt and drew his weapon and red laser emitted from it. He described the weapon as a black semi auto with a red laser. Officer Schiff engaged with fire because he believed that his life and sergeants were in jeopardy and believed Nieto was exchanging fire. He stated he thought he could be dead if he did not respond with fire. He said he heard explosion sounds. He stated that there was a volley of shots because he paused because he went "red" and did a magazine change. He stated he could not tell from that distance if Nieto was injured but stated that Nieto went to a prone position and he believed he had military training because this was a fire fight and he had no cover so by him going down to a prone position made him a smaller hard target and is more effective for Nieto who had hands out. He stated he stopped firing when he heard Sergeant Sawyer yell "Cease Fire."

Named **Officer Nathan Chew** said during his interviews with Homicide, Internal Affairs, and with the OCC, that he was responding to the call with Officer Roger Morse as back up. He said when officer Morse parked their vehicle behind the primary unit's vehicle he saw Sergeant Sawyer with his weapon out and he saw Nieto in a prone position with his hands extended, with his head up, and his hands holding a gun with a red laser. Officer Chew said the red laser swept across his face and he aimed at him. Officer Chew said he moved to take cover behind the vehicle and he drew his weapon and fired at Nieto for his safety because he was afraid Nieto had fired at him or partner. Officer Chew did not know how many shots he fired but said he continued and then paused briefly to assess. He stated he stopped firing when he saw Nieto's head drop and he heard Sergeant Sawyer yell, "Cease Fire".

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Named **Officer Roger Morse** said during his interviews with Homicide, Internal Affairs, and with the OCC, said that he and Officer Chew came on scene with their vehicle off to the back right of the first vehicle. He then saw the passenger of the first vehicle kneeling down returning fire to the suspect that was prone out with gun in hand. Officer Morse said he saw flashes and dust and believed that Nieto was firing at them. Officer Morse said he could not see the driver of the first unit but said the threat was still active. Officer Morse said he went over to the first car driver side to see if the officer was ok while still looking at Nieto who was prone out. He saw flashes and he engaged with his firearm. Officer Morse stated he stopped firing when he heard Sergeant Sawyer yell to stop firing.

Officer Morse stated that during the incident he did not recall a red laser. He stated that he fired his weapon because he believed that Nieto was shooting at the officers to harm or kill them and was still a threat so he returned fire. He stated he had no other weapon choice for this type of call because a call of a man with a gun trumps anything else.

Civilian Witnesses

Witness [redacted] stated that he was walking with [redacted] and their dogs on the west portion of Bernal Heights Hill. He stated that they had observed a man that was acting erratic, pacing back and forth, and talking to himself. He said that as they got closer to him they noticed he had a gun on his hip. The witness stated that the man made a point to pull up his red jacket and show them a holstered gun on his hip. He said that he never pulled it out but he kept putting his hand on it several times moving it back and forth resting his hand on top of the gun and was alarming enough to call 911. He said [redacted] dialed 9-1-1 and relayed what they saw and the man continuing to pace back and forth, talking to himself, and shadow boxing. He stated that the 9-1-1 operator encouraged [redacted] to remain on the line. The witness stated that at one point several people had passed them and asked if they had seen the man with the gun. At one point they finally got down the hill and it looked like the suspect was walking toward them so they headed toward their car. The witness stated that he then heard gunfire and doesn't know how many rounds were fired. The witness did not

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recall what type of things that the male was saying. He stated that the fact that he made it a point to flash his holstered gun at them and the fact that he was pacing back and forth, shadow boxing, and talking to himself while there was nobody around him and all of it seemed alarming and if he had to do it again he would call 911 but does regret that the man was shot and killed.

Witness [redacted] stated he and [redacted] were walking with their dogs down the hill and passed a guy and [redacted] asked him if he had seen a guy back there with a gun who was acting oddly. The witness stated he did not see the gun and asked [redacted] if he was sure he saw a gun to make sure this was legitimate before he called 9-1-1. They decided to call 9-1-1 and walked off to the side of the path and said the dispatcher was having a hard time trying to locate where he was so she kept him on the line and had him keep his eye on the individual who they were calling about. The witness stated that he stood there but was uncomfortable about not knowing the situation and what was going to happen. The dispatcher kept him on the line asking him questions about the individual such as height what he was wearing and at that point he said the suspect started to walk toward them and he got nervous about being there so he went further down the hill. The dispatcher said that police were arriving if he could flag them down and to maintain visual contact with the individual so that they can make sure where he is. The witness said he started to walk up a little bit and then started to feel really scared because the suspect had been looking at him while on the phone for about two minutes or so. He started to walk up the hill to see where the suspect was and at that point he heard gunshots fired and coming above their head to the trees above him and at that point he ran down the hill toward the street and behind the car and eventually hung up with the 9-1-1 dispatcher. Once they new it was okay they went to where most of the police were to talk to them.

The witness stated that as they walked down the hill and anyone walking up [redacted] would tell them not to go up there because there is a guy with a gun and is acting weird shadow boxing and acting strangely. The witness stated that the distance between him while on the phone with 911 and visual of the individual was about 100 yards. The witness stated that when he looked at the guy while on the phone with 9-1-1 what went through his head is this guy is clearing seeing me on the phone and looking at him and if he

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has a gun is planning on doing something crazy and is coming after me. The witness said that the guy did start to walk down the hill and at that point he did not know if the suspect was just coming down the hill or at him. He said the path is 25 feet wide but the guy was moving in his direction and that is when he moved further down the hill out of his sight.

The witness stated that he saw police cars down below on the street below where the main entrance is off of Folsom but thinks they had sirens but turned them off and he was worried that if the guy thought he called police that he was in a position where he could be shot at. He said he did go a little closer and then when he started to walk up he said gun shots started and he couldn't tell if he was being shot at but said the shots were above his head and hitting the branches above him. The witness said he ran as fast as he could down the hill and got behind a car and was still with the 9-1-1 dispatcher.

The witness stated that he did not observe the suspects behavior prior to calling 9-1-1 but stated that when he was looking at the suspect while on the phone with the 9-1-1 dispatcher that it was clear that the suspect was acting weird and pacing back and forth not in one spot and it wasn't like he was sitting there enjoying the sunset or waiting for someone. He stated that there was something wrong mentally he was acting strangely about to do something.

Witness [redacted] said he was walking in the Park with his financial advisor. He stated that as he was on Esmeralda and Precita when a woman neighbor told him that there was a man on the hill with a gun. The witness said he then changed his route and decided to go to Precita Park. The witness stated that when he got to Ripley and Peralta he stopped and two other individuals whom he has seen in the neighborhood also stopped to look in the direction of the incident because they saw a patrol car speed up the hill. He said from his vantage point he saw no details between the person and officers and said it was indistinct area but did see when the patrol car stopped and said he saw car doors open but no officers out of the car. The witness said that he is not sure where the gunfire came from. He said it was quiet for about 90 seconds then he heard 1-2 shots and after about 7 seconds he heard many shots best guess is about 20-30. The witness was not sure what direction it came from.

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He stated that the distance from his vantage point and where the incident occurred was about 500 yards. He stated that he has experience with target practice and has been on ranges because he has done hunting. He stated that after the first two shots that the other shots sounded like rapid firecrackers. He stated that he did not see any gun smoke, muzzle, and did not see the person fall to the ground. He stated that after shots fired he saw other officers get there quickly on foot about 7-10 people in dark clothing.

Witness [redacted] stated that he walks his dog frequently everyday either in the morning or the evening and on the date of the incident he walked his dog in the evening. He described the day as cold, brisk, windy, but there was still light out around 7 P.M. He stated at the time he was walking down the slope on the north side of Bernal Hill Park. He said there was no one out at the time until he came down the slope and saw one person whom he said now knows was "Nieto". He said that Nieto was standing by the benches eating a burrito looking out to the city view. The witness said his dog approached because he smelled the food and he started to walk toward his dog and noticed that Nieto had a gun on his belt. The witness said he called his dog and his dog responded and he grabbed his dog. The witness said he did not have any interaction and there was no exchange of words with Nieto. The witness said he made a left turn on the road to head to Stoneman Street. The witness said he encountered a couple of white guys in their thirties sort of squatting. He said one of the guys said, "Did you see the guy with the gun?" The witness responded yes and the guy told him, "We called the cops." The witness stated that the guys seemed really concerned and were kind of hiding behind the trees. He said both guys had dogs with leashes. The witness stated that he continued to walk on Stoneman Street to Shotwell Street when he heard the gunshots in rapid-fire succession. When he turned around he said he saw one of the guys he ran into running and assumed he thought he was being shot at. The witness then said he called 9-1-1 and reported that someone was shooting and described Nieto then the dispatcher told him that officers are there. The witness stated that he remembers hearing 2 volleys of shots and echoes.

Witness [redacted] stated that he was walking his dog at Bernal Hill Park the day of the incident. He stated that his dog is a [redacted] and he lets his dog off leash because she is friendly. The witness stated that his dog

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thinks that everyone has dog treats and is used to getting treats from people at the park. On this day he stated that he noticed Mr. Nieto walking up the path while eating chips. The witness stated that from his experience of going to Berkley High School he stated that Mr. Nieto's appearance was similar to the Berkley High XIV gang wearing a red windbreaker and a black hat and seemed like someone he did not want to approach so he immediately called his dog back. He stated his dog continued to follow Mr. Nieto down the hill to a set of benches. He stated Mr. Nieto then became defensive towards his dog and his behavior was erratic. He stated he jumped on top of a bench and was waving his hands around. He stated his dog was now barking because she was scared and he kept calling his dog back as he was approaching. While on top of the bench, the witness stated Nieto lifted his windbreaker and showed his holster and the witness said he saw what appeared to be a semi auto pistol and at that point he was afraid and continued to call his dog back. He said he knows about guns because he is a registered owner. He then noticed that Nieto had a pulled out the pistol and he was afraid but when he got closer he was then able to tell that from the size and top part that it a "Stun gun". He said Nieto aimed it at his dog and he told Nieto please do not shoot my dog with the stun gun and said Nieto then aimed it at him and said that his dog was about five feet away and witness said he was about 20 feet away from Nieto. Witness [redacted] stated that Nieto was cursing and he also cursed back. The witness stated his dog came to him and then they continued down the hill and could still hear Nieto cursing at him. The witness stated he has no idea why he just didn't call 911 and had called the non-emergency number instead but stated that he could not get through to non-emergency police. He left after this and did not see police encounter with Nieto.

Physical and Forensic Evidence

Physical evidence, including shell casings collected at the scene and examination of the named officers handguns, established that the named officers fired at total of 59 rounds from their Department-issued handguns.

An examination and testing by Taser International of Alejandro Nieto's taser established that three trigger pulls on the date of the incident March 21, 2014 were made and appeared to have been at the same time of the incident. The report described the taser as an Advanced Taser M26C

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electronic control device equipped with a red laser, which automatically activates when the device is turned on and assists with aiming. The taser and laser was tested for functionality and was found to be fully functional.

Photographs of the taser taken by SFPD indicate that it is black in color with several yellow stripes on the sides along the lower left and right frame sections. The stripes are not visible when the taser is in the holster or when viewed from the front.

The Chief Medical Examiner performed the autopsy of Alejandro Nieto and prepared a report describing in words the gunshot wounds entrance, path, exit wound, and direction and did not prepare a diagram. The cause of death was multiple gunshot wounds. The sequence of the shots was not determined but the examiner was able to determine that the shots were taken from a distance because there was no soot, gunpowder particles, or stripling visible on the skin on the entrance of the gunshot wounds. The total number of wounds on Alejandro Nieto was 14.

Alejandro Nieto's employment records with El Toro Nightclub were subpoenaed by the OCC and consisted of his W2 and W4 forms, as well as a Baton Permit from the California Bureau of Security & Investigative Services (BSIS), and the cancellation of his Guard/Patrolperson Registration due to his death, also from the BSIS. Upon inquiry regarding any firearm, chemical agent or stun gun/taster permits or training documents as well as any employer policies regarding the same the employer stated they did not provide any of these, nor did they require them for employment.

SFPD Training on Use of Force:

The SFPD provides use of force training at the Academy training for incoming officers which includes the FATS training that covers the use of force options including firearms in real life scenarios via simulation. The officers then receive updated trainings given at Advanced Officer Training. In these use of force trainings officers are taught to eliminate the threat. The officers are also required to qualify at the Range and have a schedule for qualification requirements.

Sergeant Jason Sawyer stated that his use of force training teaches to stop the threat and stated that they are not

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

trained to shoot a specific body parts to disable a suspect. Lt. Sawyer is a specialist in Special operations with 17 years of numerous training that includes critical incidents, crowd control, water, dignitary, flying etc. Lt. Sawyer stated he fired his weapon to defend himself when red laser weapon was pointed at him and partner.

Officer Schiff stated he had no other option for another weapon for this call. He stated his use of force training was from the academy and has received the FATS training and at the range. He was trained to stop the threat when recognized and not trained to disable persons.

Officer Chew said he had no other option for a weapon to use besides his gun for this type of incident. Officer Chew's use of force training includes to stop firing when the threat has been neutralized and feel it is safe to stop firing. The training does not teach officers to shoot to at specific body parts in order to disable suspects.

Officer Morse stated that his he received training at the Academy and has FATS training and Advanced Officer training as well. He stated they are taught to shoot at the center mass of a person but to fire until no longer a threat. He stated they are not trained to disable people.

Per department training records document that the named officers met the requirements.

Analysis and Conclusion

San Francisco Police Department General Order 5.02, USE OF FIREARMS, revised on May 16, 2011, states in pertinent part:

I. POLICY

A. GENERAL. Officers shall use their firearms in accordance with Department General Order 5.01, Use of Force, and this General Order.

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C. DISCHARGE OF FIREARMS

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:

   a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.

   b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person posses an imminent danger of death or serious bodily injury to the officer or any other person.

The evidence established that Alejandro Nieto had a weapon on his person per testimony from witnesses prior to incident with police coupled by behavior described as odd. One witness had an actual encounter where Alejandro Nieto drew his weapon, a taser, and aimed it at his dog and at him. Two witnesses believed that the behavior and exposure of the holstered weapon, which they believed was a gun, merited reporting and called 9-1-1. Dispatch broadcasted the call as a man with a gun and gave the description of a Latin male approximately 6'1", 200lbs, wearing a bright red jacket and black pants; has a black gun on his hip.

The evidence established that at the time the named officers discharged their firearms at Nieto, that they had reasonable belief that the suspect was armed with a gun given the information from dispatch and coupled with Nieto's non compliance to verbal commands to show his hands and ultimately drawing a weapon with a laser aiming it at the officers. At that time the named officers had reasonable cause to believe that they were in imminent danger of death or great bodily injury.

The evidence established that all the officers had the required training per the department records at the time of this incident. Officers did not recognize Alejandro's weapon as a Taser because it was black and the size of a gun with a

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

laser sight on it and when aimed straight the yellow markings on the sides were not visible.

The physical and forensic evidence established that Alejandro had a Taser that was discharged exposing two wires with darts and the safety switch was on the armed position. Per the report on the testing of the Taser it documents that it was triggered three times during the time of the incident. The named officers discharged their weapons when they were about 30 yards from Alejandro Nieto resulting in 59 rounds fired resulting in 14 to 15 distance gunshot wounds per the Medical Examiner autopsy.

A preponderance of the evidence established that the officers gave repeated verbal commands to Alejandro Nieto to show his hands before discharging their firearms and that Alejandro Nieto drew his Taser and pulled the trigger three times. The evidence established that the named officers discharged their firearms in conformance with SFPD policy and procedures as described in Department General Order 5.01, Use of Force, and Department General Order, 5.02, Use of Firearms.

2. PC for the allegation ND for failure to investigate. The complainants stated that the officers did not investigate the call prior to shooting Alejandro Nieto.

The officers stated that when responding to calls the intention is always to investigate however, the officers stated that because it was a call of a man with a gun the procedure changed because they first have to deal with a person that has a weapon and the investigation may come after they deal with the weapon. However they did not have the opportunity to do so as Alejandro Nieto did not comply with commands to show his hands and drew his weapon.

According to the **CAD**, at 19:18:18 unit 3H104 located the suspect and at 19:18:40 the unit called for code 33, a total of 22 seconds.

Therefore given the time the officers located Alejandro and when the code 33 was put out it is more likely than not that the officers did not have time for investigation in 22 seconds and were faced with Alejandro Nieto's non compliance to the commands the officers did not have an opportunity to

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

continue to investigate and were faced with imminent danger to their lives when Alejandro Nieto drew his weapon. Per the officers training and department policies, the officers' priority was to protect themselves. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

3. PC for the allegation of ND for failure to take required action. The complainants stated that the officers did not recognize Alejandro's weapon as a Taser and did not issue verbal warnings prior to shooting.

   The officers stated that the they did not see any markings on Alejandro Nieto's weapon from where they were when he pulled it out of his holster and immediately believed it was a gun with a laser point.

   Sergeant Sawyer stated he did not see any markings on Nieto's weapon at the time because he pulled the gun straight out and the laser came on which meant to him that he was going to shoot so he fired his weapon. The officer stated that Nieto's arms were fully extended and he and partner were still yelling the whole time for him to drop his weapon. Lt. Sawyer said there was no time for a warning prior to firing his weapon because this happened very fast.

   Officer Richard Schiff stated that he did not have experience or training on Tasers but knows the visual difference a common person would have if saw one closely. He did say that laser weapons were discussed in training as to what it is and its purpose, which is to pick up sights to shoot at someone.

   Officer Chew described Nieto's weapon as a black handgun and did not see any markings or color during the firing of his weapon. He realized Nieto had a Taser after Officer Morse had kicked it out of Nieto's hands after they had approached. He described the Taser as boxy with wider front and it had been fired because he saw extended wires.

   Officer Roger Morse described Nieto's weapon as a semi auto black handgun and stated that he did not see any markings on the gun at the time.

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

Photographs of the Advanced Taser M26 document that it is black in color has yellow markings on the sides and is similar in size to a gun such as the Sig Sauer P226.

DGO 5.02 Use of Firearms, I. Policy,.. C. Discharge of Firearms in pertinent part:

> 2. Verbal Warning. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.

Per the evidence, the Taser is black with markings on the side and when pointed at the officers with a laser point they were not able to see the sides especially from the distance where they were in relation to Nieto. Per DGO 5.02 a verbal warning shall be given if feasible however the sergeant stated there was no time and only were able to give commands and Nieto was not complying when he pulled out his weapon. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

4. NS for the allegation of CRD for inappropriate behavior and comments. The complainants stated the police department is covering up the fatal shooting and may falsified official reports to cover up their misconduct. The complainants said the department has been very "cagey" about disclosing information to the public and misrepresenting the facts to taint the case in the publics mind about Alejandro Nieto's character, his mental health status, and stating he was armed with a gun.

   Inspector Cagney stated that he was not present during the community meeting when information about the shooting was provided at the community meeting. However, in order to ensure accuracy and transparency, he stated that interviews are tape recorded and video taped, the Lt. maintains control, and there are checks and balances because of the entities involved- DA, IA, OCC. The inspector stated that in all homicide cases that he always seek information on persons involved as to their backgrounds, associates, historical records, medical anything that can offer evidence regarding what may have brought the person to the situation that caused their death such as in the Nieto case.

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

5. U for the allegation of ND for failure to take required action. The complainant stated that the SFPD delayed the notification to the next of kin regarding the death of Alejandro Nieto.

[redacted]

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

6. U for the allegation of UA for the search of Alejandro Nieto's room. The complainants stated that the police searched Alejandro's room without permission or search warrant.

[redacted]

7. PC for the allegation of UA for the tow of Alejandro Nieto's car. The complainants that the police towed Alejandro Nieto's car without explanation.

[redacted]

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

6/10/15

Follow up email to Adante Pointer regarding witness.

H Calderon

6/11/15
Preparing the CSR.

6/15/15

Received the Homicide Investigation Conclusion Report from SFPD Legal.

H Calderon

Finished the CSR draft.

H Calderon

6/16/15

Reviewed the draft CSR with Acting Sr. Investigator Fletcher. Made edits to draft.

H Calderon

6/18/15

Received letter from legal stating that the IAD conclusion report is not available at this time.

H Calderon

06/22/15-07/06/15
Working on review, edits and additions to CSR. Completed CSR and forwarded to Ines.

Sherry Fletcher

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

07/06/2015

CSR sent to Ines. Email:

The CSR is completed and ready for review. The CSR is more informative than usual and resembles the CSR in Jayson's OIS (0152-13). Please let Helen know when you are ready for the OIS binders.

Sherry Fletcher

07/06/15

Ines reported that she would review CSR possibly on 07/08-07/09.

Sherry Fletcher

07/12/15

Ines reported that she took materials (CSR) with her to review. Ines will return to OCC on 07/28/15

Sherry Fletcher

08/12/15: Received revised CSR from Atty. Fraenkel. Began reviewing the case.

C. Baltyn

08/13/15: Began editing the CSR.

C. Baltyn

08/14/15: Continued editing the CSR, adding Penal Code section 835(a), DGO 5.01 and additional DGO 5.02 language.

C. Baltyn

08.26.2015: Reviewed file, concur with findings, stylistically revised CSR on allegation 13, made minor edits, and signed preliminary disposition letters.

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DATE & ACTIVITY **(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)**

09/01/15
Call received from Complainant [redacted] regarding a case review. I explained the process of a case review and the investigative hearing.

Will contact complainant [redacted] with possible dates for a case review with Inv Calderon. Will contact comp [redacted] by Thursday, 09/03/15 to set an appointment for case review.

Comp [redacted] provided the following phone numbers for contact:
[redacted]

Sherry Fletcher

09/08/15
Called [redacted] and set appt for case review on 09/22/15 at 1:00 pm. Sent email to Helen, Erick and Ines regarding case review.
Helen on leave.

Sherry Fletcher

09/18/15
Message received from [redacted] that he could not make case review on 09/22 and wish to reschedule.

Called [redacted] and rescheduled case review for 09/23/15 at 1:00 pm.
Helen on leave.

Sherry Fletcher

09/22/15
Helen on leave.
Had a discussion with Ines regarding the case review process.

Sherry Fletcher

09/23/15
Helen on leave
Talked to Erick and confirmed that ok to allow [redacted] to read the Openness report.

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

A/SI Fletcher held case review with [redacted] at 1:15pm. [redacted] signed the confidentiality form, read the openness report, took notes, and left a request for an Investigative Hearing.

I placed the request for the investigative hearing into Donna's inbox and sent her an email to expect [redacted]'s letter soon and asked if he could send by email.

Case review ended at 3:45pm.

Sherry Fletcher

09/24/15

Discussed with Donna and she is fine with receiving the letter from Galvez via email. Donna requested a deadline date of **09/30/15.**

Called [redacted] at [redacted]. Told [redacted] that he could email the letter to sherry.fletche@sfgov.org by close of business on September 30, 2015.

Sherry Fletcher

11/19/15 **Reviewed** case pursuant to a request for an investigative hearing. Recommended hearing be denied.

Donna Salazar

12.08/2015: Concur with hearing denial.

12/16/15 Discussed case with Director Hicks. Per the family's attorney, there is a witness still out there that is supposed to have seen what happened, but he wouldn't give us the name of the person. The Director is concerned that there is a crucial witness yet to be found and requested that the investigator and I make further attempts to obtain information about this witness before we close the file.

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

Background: The investigator had tried through all known sources, to find out who the unidentified witness was, without success. In mid-2015, the family's attorney eluded to the City Attorney's Office knowing who it is and that his deposition was going to be taken; he even offered to let us have a copy of the transcript if/when it became available, but still would not give us a name or any reference point. Investigator Calderon followed up with the attorney to see about getting a name or a deposition transcript but received no response to her attempts. There is a civil trial pending and City Attorney trial prep and strategy information is not available to the OCC.

IVF

3/4/16 The Nieto trial began in federal court this week. The identity of the witness [redacted] has now been disclosed to the public, since he testified in open court on direct examination yesterday. Cross-examination is to take place today.

Met with investigator Calderon today and spoke to Sr. Inv. Fletcher re: next steps now that we have the identity of the previously unidentified witness.

Strategy:

1. With Director Hicks' concurrence, we will re-open the investigation to obtain [redacted] testimony.

2. While the matter is in the middle of a federal trial, investigator Calderon will try to get contact information for [redacted] and make contact with him by any means possible (phone, mail, email), and request that he let us interview him.

3. IVF will monitor the trial and will eventually make contact with the City Attorney's Office to obtain the transcript of [redacted] deposition and trial transcript, if it is available.

4. We will meet next week and report on what we have found out as well as to plan further steps.

IVF

3/18/16

[redacted] has an instagram account [redacted] Ran [redacted] QALL but he has no record.

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

Found a FB account for band named [redacted] of which [redacted] is a member of and known as [redacted].

3/22/16

Spoke to [redacted] regarding contacting [redacted] via social media FB or instagram and how to go about it.

Also contacted city attorney Margaret Baumgartner who provided [redacted] address which she had at the time of the deposition.

Sent a witness contact letter to [redacted] at [redacted] [redacted]

4/6/16

As of today [redacted] has not contacted the OCC.

4/18/16 I have reviewed the investigator's attempts to find [redacted] and to contact him by mail, since an address is the only information we had on him. [redacted] has not responded to our mail attempt of March 22, 2016, and waiting further is not advisable at this point. The investigation in this case has been thorough and the case is ready for closure. I recommend that the case be closed at this time.

IVF

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

June 11, 2015

Investigator H. Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC # [redacted] 179-14 CW

Dear Investigator Calderon:

On June 1st, 2015, I received your non-routine request for the Homicide conclusion report in reference to SFPD Case No. 140-240-512. Per your request, enclosed is the Homicide conclusion report.

Sincerely,

Sgt. William McCarthy #1880 Unit 1880
Legal/Court Liaison

For LT. Chris Woon
Commanding Officer
Legal Division

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 06/01/2015 16:57

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

The Homicide conclusion report in reference to SFPD Case No. 140249512.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000333

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 06/01/2015 16:57

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

The IAD conclusion report in reference to SFPD Case No. 140240512.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000334

To: OFC OF CITIZEN [redacted] Date: 05/09/15 Time: 10:28

==========0000000785==========
Sat 09-May-15 10:28a
==========
TO: OFC/HELEN
FROM: [redacted]
CO: -
TEL#: [redacted]
TK BRIEF MSG FR CLRS FILING COMPLAINT!
** READ ER PAGE INFO CAREFULLY **
MSG: RECEIVED LETTER FROM YOU AND I
WOULD LIKE TO SPEAK WITH YOUU EITHER
MONDAY OR TUESDAY

Message History Account: 785
Taken: Sat 09-May-2015 10:27a CYN
Serial#: 1
==========0000000785==========

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED AT OCC
2015 MAY 14 P 1:5

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Ingleside, Commanding Officer /O.I.C.

FOR: Sergeant Seth Riskin #1915 X ID Pending

FROM: Helen Calderon, Investigator DATE: May 6, 2015 OCC # 179-14

DATE OF INCIDENT: March 21, 2014 Report: 140240512

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at **25 Van Ness Avenue, 7th Floor**, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Tuesday May 19, 2015 @ 3:30 P.M.
Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (5/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 5/11/15
Date/Time served: 5/11/15 1500
Date returned to OCC: 5/12/15

Reason for failure to serve or other comments:

Signature Star No.

[redacted]**F RECEIPT:** Your signature acknowledges receipt of this

1915 5/11/15 1500
Star No. Date and Time Notified

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Ingleside, Commanding Officer /O.I.C.

FOR: Sergeant Seth Riskin #1915 X ID Pending

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COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____
Date/Time served: _____
Date returned to OCC: _____

Reason for failure to serve or other comments:
_____
_____

_____
Signature Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice.

_____ _____
Member's Signature Star No. Date and Time Notified

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Investigations, Commanding Officer /O.I.C.

FOR: Inspector John Cagney # 341 X ID Pending

FROM: Helen Calderon, Investigator DATE: May 5, 2015 OCC # 179-14

DATE OF INCIDENT: March 21, 2014 Report: 140240512

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at **25 Van Ness Avenue, 7th Floor**, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Tuesday May 19, 2015 @ 11:00 A.M.
Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (5/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 5/11/15
Date/Time served: 1300 MAY 12 2015
Date returned to OCC:
Lt. A. C[redacted]5
Signature Star No.

Reason for failure to serve or other comments:

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice.

[redacted]

05/10/15
Star No. Date and Time Notified

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Investigations, Commanding Officer /O.I.C.

FOR: Inspector John Cagney # 341 X ID Pending

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COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____
Date/Time served: _____
Date returned to OCC: _____

Reason for failure to serve or other comments:
_____
_____

_____
Signature Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice.

_____ _____
Member's Signature Star No. Date and Time Notified

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
PUBLIC SAFETY BUILDING
1245 THIRD STREET
SAN FRANCISCO, CALIFORNIA 94158

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

May 4, 2015

Investigator Helen Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0179-14

Dear Investigator Calderon:

On 4/30/15 we received your Non-Routine Document Request regarding the above referenced case requesting **in reference to SFPD Case No. 140240512 the Homicide Conclusion Report.** The Homicide Conclusion Report has not yet been completed. There is no document to send in response to your request at this time.

Sincerely,

LT. CHRIS WOON
Commanding Officer
Legal Division

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
PUBLIC SAFETY BUILDING
1245 THIRD STREET
SAN FRANCISCO, CALIFORNIA 94158

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

April 30, 2015

Investigator Helen Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0179-14

Dear Investigator Calderon:

On 4/29/15 we received your Non-Routine Document Request regarding the above referenced case requesting **in regards to SFPD Case No. 140240512 a complete copy of the incident report including Sergeant Riskin's Statement.** Enclosed is the document responsive to your request.

Sincerely,

LT. CHRIS WOON
Commanding Officer
Legal Division

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

April 30, 2015

[redacted]

RE: OCC Case # 179-14

Dear [redacted]

The Office of Citizen Complaints is investigating a case involving members of the San Francisco Police Department. You were identified as a witness to an incident that occurred on March 21, 2014 at Bernal Hill Park and in order to properly investigate the case, it is essential that I interview you.

Please call me at (415) 241-7711 from 8:30 am to 4:30 pm, if I am unavailable, please leave me a message with your telephone number and a time that you can be reached. Thank you in advance for your assistance in this matter.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 04/30/2015 11:42

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In reference to SFPD Case No. 140240512 provide the Homicide Conclusion Report.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000343

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

April 29, 2015

[redacted]

RE: OCC Case # 0179-14

Dear [redacted]

I am writing to request information needed for the OCC investigation. I would like to make arrangements to interview [redacted] as to what took place with the police the day they were notified of Alejandro Nieto's death. I would also like the name of the witness who witnessed the entire incident between the police and Alejandro Nieto as asserted in the Alejandro Nieto website. Any additional information you may have to assist with the OCC investigation is appreciated.

I can be reached at 415-241-7711 or via email at helen.calderon@sfgov.org
If I do not hear from you within 10 days, I will have no choice but to continue my investigation without the requested information.

Sincerely,

HCalderon

Helen Calderon
Investigator

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 04/29/2015 17:07

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In regards to SFPD Case No. 140240512 I need a complete copy of the incident report. The copy I have now is missing Sergeant Riskin's Statement.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

JCalderon

OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000345

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

March 24, 2015

Investigator H. Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0179-14

Dear Investigator Calderon:

On March 17th, 2015, I received your non-routine request in regards to SFPD Case No. 140-240-512 for the transcripts of IAD officer interviews. Enclosed are the IAD officer's interviews that you requested.

Sincerely,

LT. Chris Woon
Commanding Officer
Legal Division

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Ingleside Station, Commanding Officer /O.I.C.

FOR: Officer Nathan Chew # 2088 X Named

FROM: Helen Calderon, Investigator DATE: March 12, 2015 OCC # 0179-14

DATE OF INCIDENT: March 21, 2014 Report: 140240512

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at **25 Van Ness Avenue, 7th Floor,** on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Tuesday March 31, 2015 @ 11:30 A.M.
Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (3/20/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 3/16/15
Date/Time served: 3/20/15
Date returned to OCC: [redacted]

Reason for failure to serve or other comments:

[redacted] Sgt. I.E. Martin #1180
Signature Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice.

[redacted]
Member's Signature

2088 3-20-15 1800 Hours
Star No. Date and Time Notified

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Park Station, Commanding Officer /O.I.C.

FOR: Lieutenant Jason Sawyer # 1127 X Named

FROM: Helen Calderon, Investigator DATE: March 12, 2015 OCC # 0179-14

DATE OF INCIDENT: March 21, 2014 Report: 140240512

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at **25 Van Ness Avenue, 7th Floor**, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Tuesday March 31, 2015 @ 9:30 A.M.
Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (3/20/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: MAR 16 2015
Date/Time served: _____
Date returned to OCC: _____

Reason for failure to serve or other comments: _____

Captain Raj Vaswani #1305
Signature Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notic[redacted]

Member's Signature

1127 3/16/15 1125 AM
Star No. Date and Time Notified

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Bayview Station, Commanding Officer /O.I.C.

FOR: Officer Roger Morse #1923 X Named

FROM: Helen Calderon, Investigator DATE: March 12, 2015 OCC # 0179-14

DATE OF INCIDENT: March 21, 2014 Report: 140240512

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at **25 Van Ness Avenue, 7th Floor**, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Wednesday April 1, 2015 @ 5:00 P.M.
Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (3/20/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: MAR 17 2015
Date/Time served: 3-17-15 0950
Date returned to OCC: MAR 18 2015

[redacted] 2185
Signature Star No.

Reason for failure to serve or other comments:

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice.

[redacted]
Member's Signature

1923 3-17-15 0950
Star No. Date and Time Notified

C-15-029

SFDPA - 0179-14 - 000349

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 03/17/2015 16:46

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In regards to SFPD Case No. 140240512 the transcripts of IAD officer interviews,

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000350

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

March 16, 2015

Investigator H. Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0179-14

Dear Investigator Calderon:

On March 4th, 2015, I received your non-routine request in regards to SFPD Case No. 140-240-512 the updated IAD Chronological of Investigation after the 5/23/2014 entry. Enclosed is the updated IAD Chronological of Investigation after the 5/23/2014 entry that you requested.

Sincerely,

LT. Chris Woon
Commanding Officer
Legal Division

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Central Station, Commanding Officer /O.I.C.

FOR: Officer Richard Henry Schiff # 1968 X Named

FROM: Helen Calderon, Investigator DATE: March 12, 2015 OCC # 0179-14

DATE OF INCIDENT: March 21, 2014 Report: 140240512

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at **25 Van Ness Avenue, 7th Floor**, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Wednesday April 1, 2015 @ 7:00 P.M.
Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (3/20/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____
Date/Time served: _____
Date returned to OCC: _____

Reason for failure to serve or other comments:
_____
_____

_____
Signature Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice.

_____ _____
Member's Signature Star No. Date and Time Notified

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Bayview Station, Commanding Officer /O.I.C.

FOR: Officer Roger Morse #1923 X Named

FROM: Helen Calderon, Investigator DATE: March 12, 2015 OCC # 0179-14

DATE OF INCIDENT: March 21, 2014 Report: 140240512

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at **25 Van Ness Avenue, 7th Floor**, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Wednesday April 1, 2015 @ 5:00 P.M.
Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (3/20/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____
Date/Time served: _____
Date returned to OCC: _____

Reason for failure to serve or other comments:
_____
_____

_____
Signature Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice.

_____ _____
Member's Signature Star No. Date and Time Notified

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Ingleside Station, Commanding Officer /O.I.C.

FOR: Officer Nathan Chew # 2088 X Named

FROM: Helen Calderon, Investigator DATE: March 12, 2015 OCC # 0179-14

DATE OF INCIDENT: March 21, 2014 Report: 140240512

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at **25 Van Ness Avenue, 7th Floor**, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Tuesday March 31, 2015 @ 11:30 A.M.
Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (3/20/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____
Date/Time served: _____
Date returned to OCC: _____

Reason for failure to serve or other comments:
_____
_____

_____
Signature Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice.

_____ _____
Member's Signature Star No. Date and Time Notified

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

NOTICE AND ORDER TO APPEAR

TO: Park Station, Commanding Officer /O.I.C.

FOR: Lieutenant Jason Sawyer # 1127 X Named

FROM: Helen Calderon, Investigator DATE: March 12, 2015 OCC # 0179-14

DATE OF INCIDENT: March 21, 2014 Report: 140240512

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at **25 Van Ness Avenue, 7th Floor**, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Tuesday March 31, 2015 @ 9:30 A.M.
Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (3/20/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____
Date/Time served: _____
Date returned to OCC: _____

Reason for failure to serve or other comments:
_____
_____

_____
Signature Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice.

_____ _____
Member's Signature Star No. Date and Time Notified

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

March 11, 2015

Investigator H. Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0179-14

Dear Investigator Calderon:

On March 10th, 2015, I received your non-routine request in regards to SFPD Case No. 140-240-512 copy of the flyer used when Inspectors Cagney and Bonner canvassed for witnesses on 3/23/2014 at the crime scene. Enclosed is the flyer that you requested.

Sincerely,

LT. Chris Woon
Commanding Officer
Legal Division

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

March 10, 2015

Investigator H. Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0179-14

Dear Investigator Calderon:

On March 4th, 2015, I received your non-routine request in regards to SFPD Case No. 140-240-512 copy of the District Attorney's declination letter, the updated Homicide Chronological after 9/30/2014 entry, the Homicide conclusion report, the updated IAD Chronological of Investigation after the 5/23/2014 entry and a copy of the IAD conclusion report.

Enclosed is the copy of the District Attorney's declination letter that you requested. I was informed by Homicide that the Homicide conclusion report is not complete at this time. The Homicide Chronological has no further entries after 9/30/2014. I was informed by IAD that the investigation is not complete, therefore, the IAD Chronological and Chronological of Investigation are not available at this time.

Sincerely,

LT. Chris Woon
Commanding Officer
Legal Division

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 03/10/2015 10:31

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In regards to SFPD Case No. 140240512 copy of the flyer used when Inspectors Cagney and Bonner canvassed for witnesses on 3/23/14 at the crime scene.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000358

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 03/04/2015 11:03

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In regards to SFPD Case No. 140240512 copy of the updated IAD Chronological of Investigation after the 5/23/14 entry.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000359

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 03/04/2015 11:03

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In regards to SFPD Case No. 140240512 copy of the updated Homicide Chronological of Investigation after 9/30/14 entr .

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000360

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 03/04/2015 11:03

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In regards to SFPD Case No. 140240512 copy of the IAD conclusion report.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000361

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 03/04/2015 11:03

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In regards to SFPD Case No. 140240512 copy of the Homicide conclusion report.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000362

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 03/04/2015 11:03

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In regards to SFPD Case No. 140240512 copy of the District Attorney's declination letter.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000363

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

December 23, 2014

Lt. Chris Woon
SFPD Legal Division
850 Bryant Street
San Francisco, CA 94103

Re: OCC Case # 0179-14

Dear Lieutenant Woon:

I received your letter of December 19, 2014 regarding my Non-Routine Request dated December 15, 2014 regarding the above referenced case requesting in reference to SFPD Case No. 140240512 the IAD audio of officer interviews, transcripts of IAD officer interviews, an up to date Chronological of Investigation, and the IAD Conclusion Report. In your letter you stated that this items have been provided on 5/28/14 but he IAD conclusion report is not completed as of this date.

I have reviewed the material provided to me on May 28, 2014 and yes the IAD audio for officer interviews were included however, the transcripts of those interviews do not appear in the discs that were sent on 5/28/14. Could you please forward a copy of the **IAD officer interview transcripts** per my December 15, 2014 request.

Please give me a call at 415-241-7711 if you have questions regarding the requested information. Thank you for your assistance in this matter.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

December 19, 2014

Investigator Helen Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0179-14

Dear Investigator Calderon:

On 12/15/14 we received your Non-Routine Request regarding the above referenced case requesting **in reference to SFPD Case No. 140240512: IAD audio of officer interviews, IAD transcripts of officer interviews, copy of an up to date Chronological of investigation, and the IAD Conclusion Report.** The IAD audio recordings of officer interviews were sent to OCC on 5/28/14, and there are no IAD transcripts of officer interviews at this time. The most up to date Chronological of investigation was sent to OCC on 5/28/14, and there have been no subsequent entries. The IAD Conclusion Report will not be completed until after the completion of the Homicide investigation, District Attorney's investigation, and the Medical Examiner's Report.

Sincerely,

A/Lt. Richard Woon

for LT. CHRIS WOON
Commanding Officer
Legal Division

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 12/15/2014 13:44

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In reference to SFPD Case No. 140240512 provide: IAD audio of officer interviews, IAD transcripts of officer interviews, copy of an up to date Chronological of investigation, and the IAD Conclusion Report.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000366

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

December 15, 2014

[redacted]

Re: OCC Case # 0179-14

Dear [redacted]

This letter is a follow up to the email I sent you on October 24, 2014 requesting an interview with [redacted] however I have not received a response. In addition, I would like to request a copy of Mr. Alejandro Nieto's security guard card, taser card, and a signed medical release for Mr. Alejandro Nieto's medical records.

I have enclosed a medical release. Please give me a call at 415-241-7711 regarding the requested information. Thank you for your assistance in this matter.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

November 26, 2014

Investigator Helen Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0179-14

Dear Investigator Calderon:

On 11/10/14 we received your Non-Routine Request regarding the above referenced case requesting **in reference to SFPD Case No. 140240512: The Taser International Inc. Report and Examination of taser recovered at the scene; Audio and transcripts of interviews with [redacted], and [redacted]. Additional statements to the Incident Report (so far have pages 1 to 6 and statements from Officer Hall, Gonzalez, Snadow, and Antonian) and any supplements to the report.** Enclosed are the documents/media responsive to your request.

Sincerely,

LT. CHRIS WOON
Commanding Officer
Legal Division

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 11/10/2014 15:47

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 0179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In Reference to SFPD Case No. 140240512 provide: The Taser International Inc. Report and Examination of taser recovered at the scene; Audio and transcripts of interviews with [redacted] Additional statements to the Incident Report(so far have pages 1 to 6 and statements from Officer Hall, Gonzalez, Snadow,and Antonian) and any supplements to the report.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000369

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

November 5, 2014

Investigator Helen Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0179-14

Dear Investigator Calderon:

On 10/22/14 we received your Non-Routine Request regarding the above referenced case requesting **in reference to SFPD Case N. 140240512: Homicide Chronological of Investigation, Internal Affairs Chronological, Officer Range Summary Reports for Officers: Sawyer #1127, Chew #2088, Schiff #1968, & Morse #1923; Ballistic and Firearm Reports, Gunshot Residue Analysis Reports, and Permission to Search** Enclosed are the documents responsive to your request for the Homicide Chronological of Investigation, Report of Laboratory Examination Firearms Examination, and Officer Range Summary Reports for Officers Sawyer #1127, Chew #2088, Schiff #1968, & Morse #1923. The Internal Affairs Chronological was hand-delivered to OCC on 5/28/14, and there are no subsequent entries to send at this time. There are no documents responsive to your request to Gunshot Residue Analysis Reports or Permission to Search Form.

Sincerely,

LT. CHRIS WOON
Commanding Officer
Legal Division

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 10/22/2014 15:09

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In Reference to SFPD Case No. 140240512 provide: Homicide Chronological of Investigation and Internal Affairs Chronological. Officer Range Summary Reports for Officers: Sawyer # 1127, Chew # 2088, Schiff # 1968, & Morse # 1923. Ballistics and Firearm Reports, Gunshot Residue Analysis Reports, and Permission To Search Form.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000371

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

September 25, 2014

The Law Offices of John L. Burris
Adante D. Pointer
7677 Oakport Street, Ste. 1120
Oakland, CA 94621

Re: OCC Case # 179-14

Dear Mr. Pointer:

I would like to request a copy of the complaint filed in the Alejandro Nieto lawsuit. If possible, please provide a conformed copy. Thank you for your assistance in this matter.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

SFDPA - 0179-14 - 000372

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

September 12, 2014

Investigator Helen Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #179-14

Dear Investigator Calderon:

On 08/27/2014 I received your non-routine request regarding OCC Case #179-14 asking for copies of **"Medical Examiners Register, Investigators Report, Autopsy Report, Toxicology Report, Wound Trajectory Diagrams, Evidence Log-Release Record, ME Investigators notes, and photos".** I had previously sent you a letter stating that we did not have any documents responsive to your request but that I expected to obtain them soon. I received these documents from the Medical Examiner's Office on 09/12/2014. Enclosed are the documents responsive to your request.

Sincerely,

LT. CHRIS WOON
Commanding Officer
Legal Division

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date:08/27/2014

Officer in Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307, 553-1554

Re: OCC Case No.: 179-14
Notice of Non-Compliance of OCC Non-Routine Request

Officer in Charge:

As required under the OCC-SPFD Document Protocol, this letter provides you written notice that I did not receive documents within fifteen days of receipt of my request. On 05/28/2014, I sent a written request for non-routine documents. (See OCC Document Request letter faxed with this letter.) As of today's date, I have not received the following:

In Reference to SFPD Case No. 140240512 provide: Medical Examiner Register, Investigator's report, Autopsy Report, Toxicology Report, Wound trajectory diagrams, Evidence Log-Release Record, ME investigator notes, and photos.

Additionally, I have not received written notification of the delay, the reason for the delay and estimated time for production as required under Section V of the Document Protocol.

Could you please check into this matter at your earliest convenience?

Thank you,

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

cc: Chief of Police
Enclosures: (Request for Non-Routine Document)

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000374

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 05/28/2014 13:40

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In Reference to SFPD Case No. 140240512 provide: Medical Examiner Register, Investigator's report, Autopsy Report, Toxicology Report, Wound trajectory diagrams, Evidence Log-Release Record, ME investigator notes, and photos.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000375

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 05/28/2014 13:40

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In Reference to SFPD Case No. 140240512 provide: Medical Examiner Register, Investigator's report, Autopsy Report, Toxicology Report, Wound trajectory diagrams, Evidence Log-Release Record, ME investigator notes, and photos.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000376

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

September 9, 2014

Investigator E. Shannon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #179-14

Dear Investigator Calderon:

On 08/27/2014 I received your non-routine request regarding OCC Case# 179-14 asking for copies of the **" Case #140240512, Medical Examiner Register, Investigators Report, Autopsy Report, Toxicology Report, Wound Trajectory Diagrams, Evidence Log-Release Record, and ME Notes, and photos".** I contacted the ME's Office when you sent me the first request. They informed me that they would not furnish these reports until their investigation was concluded. They put me on a list to receive the requested documents as soon as they are ready. I checked in again this time and they are still not ready at this time. They could not give me an estimate either. There are no documents responsive to your request at this time. I will send the requested documents to you as soon as they become available.

Sincerely,

LT. CHRIS WOON
Commanding Officer
Legal Division

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

August 28, 2014

[redacted]

RE: OCC Case # 179-14

Dear [redacted]

The Office of Citizen Complaints is investigating a case involving members of the San Francisco Police Department. The incident occurred on March 21, 2014 and in order to properly investigate the case, it is essential that I interview you. Please contact me at (415) 241-7711 from 8:30 am to 4:30 pm, if I am unavailable, please leave me a message with your telephone number and a time that you can be reached. Thank you in advance for your assistance in this matter.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

August 28, 2014

[redacted]

RE: OCC Case # 179-14

Dear [redacted]

The Office of Citizen Complaints is investigating a case involving members of the San Francisco Police Department. The incident occurred on March 21, 2014 and in order to properly investigate the case, it is essential that I interview you. Please contact me at (415) 241-7711 from 8:30 am to 4:30 pm, if I am unavailable, please leave me a message with your telephone number and a time that you can be reached. Thank you in advance for your assistance in this matter.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

OCC14-0466

Joyce M. Hicks
Director

Date: 05/28/2014 13:40

#6
NON-ROUTINE
Due 9-11-14

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In Reference to SFPD Case No. 140240512 provide: Medical Examiner Register, Investigator's report, Autopsy Report, Toxicology Report, Wound trajectory diagrams, Evidence Log-Release Record, ME investigator notes, and photos.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000380

X

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

2014 MAY 30 P 2:49

May 28, 2014

Investigator Helen Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #179-14

Dear Investigator Calderon:

On May 16, 2014, I received your non-routine request for in reference to SFPD Case No. 140240512 provide: IAD Chronological Reports, IAD interviews audio/video, IAD interview transcripts, IAD investigator's notes, and IAD's OIS investigative conclusion report. The documents responsive to your request were hand delivered to you on May 28, 2014. Direct any additional questions regarding this matter to me at (415) 553-1511.

Sincerely,

LT. CHRISTOPHER WOON
Commanding Officer
Legal Division

Letters14/GB/gb
OCC14-0308

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 05/16/2014 16:27

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

#4
NON-ROUTINE
Due 5-30-14

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In Reference to SFPD Case No. 140240512 provide: IAD Chronological Reports, IAD interviews audio/video, IAD interview transcripts, IAD investigator's notes, and IAD's OIS investigative conclusion report.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000382

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 05/16/2014 16:27

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In Reference to SFPD Case No. 140240512 provide: IAD Chronological Reports, IAD interviews audio/video, IAD interview transcripts, IAD investigator's notes, and IAD's OIS investigative conclusion report.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

H Calderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000383

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

RECEIVED
AT OCC
2014 MAY -7 P 2:40

May 6, 2014

Investigator Helen Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #179-14

Dear Investigator Calderon:

On April 25, 2014, I received your non-routine request for SFPD case No. 140240512 and the following items related to that case: Blood spatter Analysis Report, DNA Analysis Report, Videos SFPD made or obtained, Evidence Inventory & Processing (SFPD 235E), Crime Laboratory Exam(SFPD 64A), Crime Laboratory Report (SFPD 64A), and Shot Spotter Detailed Forensic Report (digital copies, including audio).

The following items have been requested by Homicide and are still pending:
Blood spatter Analysis Report
Crime Laboratory Exam (SFPD 64)
Crime Laboratory Report (SFPD 64A)

Homicide has informed me that the other items you have requested do not exist. They informed me that all of the items that you have received so far as well as the above mentioned pending items are what is available at this time. Direct any additional questions regarding this matter to me at (415) 553-1511.

Sincerely,

LT. CHRISTOPHER WOON
Commanding Officer
Legal Division

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 04/25/2014 13:32

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In reference to SFPD Case No. 140240512 provide: Training Records of OIS involved members, Officer Range Summary Report, ATF Firearms Worksheet, Ballistics and Firearm Reports, Gunshot Residue Analysis Reports, Homicide Interview transcripts, Homicide Inspector(s) interview notes, Homicide's OIS investigative report, Homicide video/audio interviews.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

J Calderon

OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000385

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 04/25/2014 12:56

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

In reference to SFPD Case No. 140240512 provide: Bloodspatter Analysis Report, DNA Analysis Report, Videos SFPD made or obtained, Evidence Inventory & Processing (SFPD 235E), Crime Laboratory Exam (SFPD 64), Crime Laboratory Report (SFPD 64A), and Shot Spotter Detailed Forensic Report (digital copies, including audio)

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000386

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

RECEIVED
2014 APR 24 P 2:45

April 23, 2014

Investigator Helen Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #179-14

Dear Investigator Calderon:

On March 28, 2014, I received your non-routine request for SFPD Case No. 140240512 and all supplementals and attachments, Crime Scene log, Crime Scene Report, Crime Scene Diagrams, and Crime Scene photos. We are now complying with the original request of 3/28/14 to which we requested a 30 day extension on 4/10/14. Please find enclosed the documents responsive to your request. Direct any additional questions regarding this matter to me at (415) 553-1511.

Sincerely,

LT. CHRISTOPHER WOON
Commanding Officer
Legal Division

Letters14/GB/gb
OCC14-0233 & 252

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

RECEIVED
2014 APR 11 P 2:21

April 10, 2014

Investigator Helen Calderon
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #179-14

Dear Investigator Calderon:

On March 28, 2014, I received your non-routine request for SFPD Case No. 140240512 and all supplementals and attachments, Crime Scene Log, Crime Scene Report, Crime Scene Diagrams, and Crime Scene photos. We are requesting a 30 day extension to produce these documents as the Crime Scene Investigations Unit has not completed them. Direct any additional questions regarding this matter to me at (415) 553-1511.

Sincerely,

LT. CHRISTOPHER WOON
Commanding Officer
Legal Division

Letters14/BB/gb
OCC14-0233

OCC Routine Document Request

To: Captain Falvey, Ingleside Station
Date/Time: 04/07/2014 16:29 OCC Investigator: Helen Calderon Phone #: 241-7711
SFPD Incident #: 140240512 OCC Case #: 179-14
Comments: Use of Force Log for March 16, 2014 to March 31,2014

Deliver Documents:
☒ Fax OCC: 241-7733
☐ 25 Van Ness #700, 94102

Please forward the following documents to the OCC. The documents requested are considered routine under the SFPD-OCC Document Production Protocol, which requires a response to this request within three (3) days. As required by the Protocol, this request has been sent concurrently to Police Legal.

- ☐ 12500 CVC Report (SFPD Form 164(a))
- ☐ 14601 CVC Report (SFPD Form 164)
- ☐ Academy training records
- ☐ Affidavit of Termination of Investigation (SFPD Form 470)
- ☐ Airport activity logs
- ☐ Anticipated Watch Report (SFPD Form 22)
- ☐ Arrest Record/Booking Slip (Form 3800-09)
- ☐ Candlestick Park activity logs
- ☐ Cell Check Log (SFPD Form 51)
- ☐ Certificate of Release (SFPD Form 184)
- ☐ Citation log book records
- ☐ Citizen Arrest Form (SFPD Form 80)
- ☐ Citizen Complaint Investigation Memorandum
- ☐ Cold Show Admonishment (SFPD Form 466)
- ☐ Corrected Watch Report (SFPD Form 117)
- ☐ Court Protective Orders or Emergency Protective Orders
- ☐ DABOR reports (post-hearing)
- ☐ Daily Arrest logs (SFPD Form 307)
- ☐ Demonstration Memorandum (SFPD Form 77)
- ☐ Demonstration squad charts
- ☐ DMV Officer's Statement
- ☐ DMV Order of Suspension (Form 360 & 360(A))
- ☐ DMV Supplemental to Officer's Statement (Blood/Urine Test Results)
- ☐ DMV Traffic Accident Report Form
- ☐ DMV Verbal Notice by Police Officer
- ☐ Domestic Violence Response Unit Tapes
- ☐ Domestic Violence Supplemental Report forms (SFPD 480a & 480b)
- ☐ Driving Under the Influence Card (SFPD Form 462)
- ☐ Driving Under the Influence Report (SFPD Form 284A-D)
- ☐ Drug Influence Evaluation Report (SFPD Form 26)
- ☐ Drug Influence Evaluation Report (SFPD Form 26A & B)
- ☐ Event operation orders
- ☐ Field Arrest Card
- ☐ Field Interview Card (SFPD Form 114)
- ☐ Firearms Training Roster (SFPD Form 53)
- ☐ Fleet management records
- ☐ Hit and Run Record (SFPD Form 133)
- ☐ Incident Reports (including all supplemental reports)
- ☐ Intoxilizer Model 5000 Checklist (or other models)(SFPD Form 15)
- ☐ Line-up Record (SFPD Form 56)
- ☐ Media footage
- ☐ Medical Screening Form (SFPD Form 54)
- ☐ Mug Shots (criminal history information tracking number to be redacted)
- ☐ Notice of Motor Vehicle Accident (SFPD Form 325)
- ☐ Officer notes (Photocopies only)
- ☐ Officer's Daily Report (Traffic Division)(SFPD Form 106)
- ☐ Overtime and Holiday Watch Report (SFPD Form 238)
- ☐ AT&T Park activity logs
- ☐ Payroll records
- ☐ Permission to Search Form (SFPD Form 468)
- ☐ Photographic Line-up Instructions (SFPD Form 467)
- ☐ PLES (10-B assignment) rosters
- ☐ POST training materials
- ☐ Prisoner Transfer Record (SFPD Form 78)
- ☐ Property logs (from both stations and property control) (SFPD Form 230)
- ☐ Property Receipt Form (SFPD Form 315)
- ☐ Property Release Form (SFPD Form 158)
- ☐ Public Intoxication Report (SFPD Form 69)
- ☐ Ride-along Request and Review (SFPD Form 84)
- ☐ Roll call training logs
- ☐ Secondary Employment Application (SFPD Form 156)
- ☐ SFPD Dismissal Request (SFPD Form 256)
- ☐ SFPD officer photographs
- ☐ SFPD officer weight and height descriptions
- ☐ Station Arrest Logs
- ☐ Strip search authorization form (SFPD Form 305)
- ☐ Traffic Collision Reports (CHP555, 555-03 & 556)
- ☐ Traffic Court Report (SFPD Form 295)
- ☐ Unit Orders
- ☒ Use of force logs (SFPD Form 128)
- ☐ Verification of latent fingerprint request (SFPD Form 235)(not including results)
- ☐ Daily Equipment Sign-Out and Sign-In Sheet (SFPD Form 474)

OCC Routine Document Request

To: Captain Falvey, Ingleside Station

Date/Time: 04/07/2014 16:29 OCC Investigator: Helen Calderon Phone #: 241-7711

SFPD Incident #: 140240512 OCC Case #: 179-14

Comments: Use of Force Log for March 15, 2014 to March 31,2014

Deliver Documents:

☒ Fax OCC: 241-7733

☐ 25 Van Ness #700, 94102

Please forward the following documents to the OCC. The documents requested are considered routine under the SFPD-OCC Document Production Protocol, which requires a response to this request within three (3) days. As required by the Protocol, this request has been sent concurrently to Police Legal.

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- ☒ Use of force logs (SFPD Form 128)
- ☐ Verification of latent fingerprint request (SFPD Form 235)(not including results)
- ☐ Daily Equipment Sign-Out and Sign-In Sheet (SFPD Form 474)

SAN FRANCISCO POLICE DEPARTMENT

SAN FRANCISCO, CA. 94103
OFFICE #: (415) 553-1511
FAX # (415) 553-1999

Fax Transmittal Sheet

DATE: April 10, 2014

AGENCY: OCC

FAX NUMBER: (415) 241-7733

ATTENTION: Helen Calderon

SENT BY: Briseida Banuelos, Paralegal

PHONE #: [redacted]

COMMENTS:
OCC #179-14
Please see letter of 30 day extension for the case referenced above. Thank you.

Best regards,
Briseida Banuelos

Number of pages, Including Cover Sheet: 2

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Director

Date: 03/28/2014 09:30

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 179-14
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

SFPD Case No. 140240512 and all supplementals and attachments, Crime Scene Log, Crime Scene Report, Crime Scene Diagrams, and Crime Scene photos.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

HCalderon

Helen Calderon
OCC Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org

SFDPA - 0179-14 - 000392

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

DATE: March 28, 2014

TO: San Francisco Department of Emergency Management (DEM),
Attention: Custodian of Records, 1011 Turk Street, San Francisco 94102
FAX: 558-3869

FROM: Helen Calderon
OCC Investigator

SUBJECT: Request for Communications Data

OCC CASE #: 179-14

CAD # 140802955

I am currently investigating an O.C.C. complaint. I would like to review the data described as follows:

DATE: 3/21/14 **TIME:** 19:11:47

MATERIAL REQUESTED: I would like a copy of CAD recording

DESCRIPTION OF THE INCIDENT: 221 "Person with a gun" Shooting

I would appreciate receipt of the above data as soon as possible. Thank you for your cooperation. Please call me if you have any questions. I can be reached at (415) 241-7711.

SFDPA - 0179-14 - 000393

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

ADDENDUM TO OCC COMPLAINT FORM

You have the right to make a complaint against a police officer for any improper police conduct. California Law requires this agency to have a procedure to investigate citizens' complaints. You have a right to a written description of this procedure. This agency may find, after investigation, that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints and any reports or findings relating to complaints must be retained for at least five years. It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge.

I have read and understood the above statement.

[redacted]

OCC Complaint/Case #: **179-14**

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

APENDICE A LA FORMA DE QUEJAS DEL OCC

Usted tiene el derecho de hacer una queja contra un oficial de policía por cualquier conducta policial impropia. La ley de California requiere que esta agencia tenga un procedimiento para investigar dichas quejas. Usted tiene el derecho a una descripción escrita de este procedimiento. Después de la investigación, esta agencia puede decidir que no hay suficiente evidencia para justificar acción sobre su queja. Aun así, usted tiene el derecho de hacer la queja y que sea investigada si usted cree que un policía se comporto inadecuadamente. Quejas, reportes o decisiones relacionadas a estas quejas tienen que guardarse por lo menos por cinco años. Es contra la ley hacer una queja sabiendo que es falsa. Si usted hace una queja contra un policía sabiendo que es falsa, usted puede ser encausado por un delito menor.

Yo he leído y entiendo esta declaración.

[redacted]

Firma del Querellante/ Fecha

OCC Caso # **179-14**

SFDPA - 0179-14 - 000395

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

APENDICE A LA FORMA DE QUEJAS DEL OCC

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Yo he leído y entiendo esta declaración.

[redacted]

Firma del Querellante/ Fecha

OCC Caso # **179-14**

SFDPA - 0179-14 - 000396

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received: Friday, March 28, 2014

[ ][ ] 1 7 9 - 1 4 [ ][ ]

Complaint Against: Personnel [X] Policy [ ] Procedure [ ]

How Received: Person [ ] Phone [✓] Letter [ ] SFPD [ ] Mail-In [ ] Other [ ] : (specify)

(2) Primary Complainant: [X] Co-Complainant

[redacted]
Last Name | First Name | Middle Initial

HOME ADDRESS: [redacted]
Street | Apartment

[redacted] [redacted] [redacted]
City | State | Zip

WORK ADDRESS:
Street | Apartment

City | State | Zip

(3) Personal Information

Age: ____ Date of Birth: [redacted]

Sex: F

Ethnicity: Guatemala

Occupation: Retired

(4) Telephone Numbers:

Home: [redacted]

Work: (____)

(5) Location of Occurrence: Bernal Heights Park

(6) Type of Place: Park

(7) District: H

(8) Day, Date, & Time Of Occurrence: 3/21/14 A.M. / P.M. (Circle one)

(9) Incident Report or Citation No: 140 240 572

(10) SECONDARY COMPLAINANT? Yes [X] No [ ] Witnesses? Yes [ ] No [ ] (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes [X] No [ ] Criminal Case Pending in Relation to this matter? Yes [ ] No [X]

(11) Injuries Claimed? Yes [ ] No [ ] Injuries Visible? Yes [ ] No [ ] Drug/Alcohol Related? Yes [ ] No [X]

Photos Taken? Yes [ ] No [ ] By: Photo Lab [ ] O.C.C. [ ] Other:

Type of Injury: Medical Release Signed? Yes [ ] No [X]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes	(15) Uniform No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
						See ACF				

OCC#179-14

(22) NARRATIVE OF INCIDENT:

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☐ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT. Spanish

Complainant Signature/Date: [redacted]	Taken By (Name/#/Unit)/Date: 1147 H. Calderon 3-28-14
Assigned Investigator/Date: H. Calderon 3-28-14	Closure Approval/Date:

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

ADDENDUM TO OCC COMPLAINT FORM

You have the right to make a complaint against a police officer for any improper police conduct. California Law requires this agency to have a procedure to investigate citizens' complaints. You have a right to a written description of this procedure. This agency may find, after investigation, that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints and any reports or findings relating to complaints must be retained for at least five years. It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge.

I have read and understood the above statement.

[redacted]
Complainant/Date

OCC Complaint/Case #: **179-14**

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

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I have read and understood the above statement.

[redacted]

Complainant/Date

OCC Complaint/Case #: **179-14**

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

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[redacted]

I have read and understood the above statement.

[redacted]

Complainant/Date [redacted]

OCC Complaint/Case #: **179-14**

SFDPA - 0179-14 - 000401

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

April 24, 2014

[redacted]

Re: OCC Case # 0179-14

Dear [redacted]

Enclosed for you records is a copy of your complaint also included is the Addendum to the Complaint Form, which I need you to sign and return in the self addressed envelope. If you have any questions, please feel free to call me at (415) 241-7711.

Sincerely,

H Calderon

Helen Calderon
Investigator

SFDPA - 0179-14 - 000402

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

April 24, 2014

[redacted]

Re: OCC Case # 0179-14

Dear [redacted]

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Sincerely,

H Calderon

Helen Calderon
Investigator

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

April 24, 2014

[redacted]

OCC Case # 179-14

[redacted]

Incluida en esta carta esta la copia de su queja y el apéndice a la forma de quejas que necesito que firme y regrese en el sobre incluido. Si tiene preguntas, por favor llame al (415) 241-7711.

Sinceramente,

Helen Calderon
Investigadora

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

April 24, 2014

[redacted]

Re: OCC Case # 0179-14

Dear [redacted]

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Sincerely,

H Calderon

Helen Calderon
Investigator

SFDPA - 0179-14 - 000405

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

April 24, 2014

[redacted]

Re: OCC Case # 0179-14

Dear [redacted]

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Sincerely,

H Calderon

Helen Calderon
Investigator

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

Abril 24, 2014

[redacted]

OCC Case # 179-14

[redacted]

Incluida en esta carta esta la copia de su queja y el apéndice a la forma de quejas que necesito que firme y regrese en el sobre incluido. Si tiene preguntas, por favor llame al (415) 241-7711.

Sinceramente,

Helen Calderon
Investigadora

SFDPA - 0179-14 - 000407

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

April 24, 2014

[redacted]

Re: OCC Case # 0179-14

Dear [redacted]

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Sincerely,

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Helen Calderon
Investigator

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

Abril 24, 2014

[redacted]

OCC Case # 179-14

[redacted]

Incluida en esta carta esta la copia de su queja y el apéndice a la forma de quejas que necesito que firme y regrese en el sobre incluido. Si tiene preguntas, por favor llame al (415) 241-7711.

Sinceramente,

Helen Calderon
Investigadora

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

April 24, 2014

[redacted]

Re: OCC Case # 0179-14

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Helen Calderon
Investigator

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

April 24, 2014

[redacted]

Re: OCC Case # 0179-14

Dear [redacted]

Enclosed for you records is a copy of your complaint. If you have any questions, please feel free to call me at (415) 241-7711.

Sincerely,

HCalderon

Helen Calderon
Investigator

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

ADDENDUM TO OCC COMPLAINT FORM

You have the right to make a complaint against a police officer for any improper police conduct. California Law requires this agency to have a procedure to investigate citizens' complaints. You have a right to a written description of this procedure. This agency may find, after investigation, that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints and any reports or findings relating to complaints must be retained for at least five years. It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge.

I have read and understood the above statement.

_____

Complainant/Date

OCC Complaint/Case #: **179-14**

SFDPA - 0179-14 - 000412

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

APENDICE A LA FORMA DE QUEJAS DEL OCC

Usted tiene el derecho de hacer una queja contra un oficial de policía por cualquier conducta policial impropia. La ley de California requiere que esta agencia tenga un procedimiento para investigar dichas quejas. Usted tiene el derecho a una descripción escrita de este procedimiento. Después de la investigación, esta agencia puede decidir que no hay suficiente evidencia para justificar acción sobre su queja. Aun así, usted tiene el derecho de hacer la queja y que sea investigada si usted cree que un policía se comporto inadecuadamente. Quejas, reportes o decisiones relacionadas a estas quejas tienen que guardarse por lo menos por cinco años. Es contra la ley hacer una queja sabiendo que es falsa. Si usted hace una queja contra un policía sabiendo que es falsa, usted puede ser encausado por un delito menor.

Yo he leído y entiendo esta declaración.

_____

Firma del Querellante/ Fecha

OCC Caso # **179-14**

SFDPA - 0179-14 - 000413

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

APENDICE A LA FORMA DE QUEJAS DEL OCC

Usted tiene el derecho de hacer una queja contra un oficial de policía por cualquier conducta policial impropia. La ley de California requiere que esta agencia tenga un procedimiento para investigar dichas quejas. Usted tiene el derecho a una descripción escrita de este procedimiento. Después de la investigación, esta agencia puede decidir que no hay suficiente evidencia para justificar acción sobre su queja. Aun así, usted tiene el derecho de hacer la queja y que sea investigada si usted cree que un policía se comporto inadecuadamente. Quejas, reportes o decisiones relacionadas a estas quejas tienen que guardarse por lo menos por cinco años. Es contra la ley hacer una queja sabiendo que es falsa. Si usted hace una queja contra un policía sabiendo que es falsa, usted puede ser encausado por un delito menor.

Yo he leído y entiendo esta declaración.

_____
Firma del Querellante/ Fecha

OCC Caso # 179-14

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 • TELEPHONE (415) 241-7711 • FAX (415) 241-7733 • TTY (415) 241-7770
WEBSITE: http://www.sfgov.org/occ

Wheeler

S140802955 A 221 251 BERNAL HEIGHTS BL, SF (BERNAL HEIGHTS PARK)

19:11:47	DP05	ENTRY	AD:WPH2-[redacted] #WPH2-CONF 26 FT, 090 %-[redacted] \ORIGIN:E911\TX:CHP TX:.LMA....MALE IN A BRIGHT RED JKT...6'1....200LBS ..BLK PANTS ...HAS A GUN ON HIS HIP..BLK HANDGUN
19:11:47	DP05	PRIOR	852 03/18/14 S1170 (15 MORE)
19:11:52	DP17	MISC	BC A11
19:12:15	DP13	BRDCAST	140802955 A 221 BERNAL HEIGHTS PARK,SF 10-8: 3H 3H00 3H4C 3H5C 3H10 3H13C 3H13D 3H35 3H42C 3H74 3H104 3H105
19:12:16	DP13	DISP-ENR	3H104:S
19:12:16	DP13	PERS-ID	3H104 [redacted] SAWYER JASON C/1127
19:12:20	DP13	BACK-ENR	3H104 3H75:P
19:12:22	K288	BACK-ENR	3H104 3H74:P
19:12:22	K288	PERS-ID	3H74 <[redacted]>HOPKINS BRIAN R/0464 [redacted]>UANG STEVEN H/1299
19:12:24	DP13	BACK-ENR	3H75 3H35:P
19:12:24	DP13	PERS-ID	3H35 <[redacted]>QUINTERO JUSTIN J/1473 <[redacted]>THOMPSON DACK O/1292
19:12:27	DP13	BACK-ENR	3H75 3H109:S
19:12:27	DP13	PERS-ID	3H109 <[redacted]>RISKIN SETH J/1915
19:12:30	DP05	SUPP	TX:MALE IS STANDING ON THE NORTH SIDE OF BERNAL HILL
19:12:33	K042	BACK-ENR	3H104 3H15D:P
19:12:33	DP13	BACK-ENR	3H109 3H11D:P
19:12:33	DP13	PERS-ID	3H11D <[redacted]>SNADOW SAM/1644 <[redacted]>DILAG ROEL V/0173
19:12:33	K042	PERS-ID	3H15D [redacted] MORSE ROGER C/1923 [redacted]>CHEW NATHAN L/2088
19:12:36	K241	BACK-ENR	3H109 3H16D:P
19:12:36	K241	PERS-ID	3H16D <[redacted]>CUENCA JEFFREY V/0995 <[redacted]>CVETOVAC JR JOHN/2202
19:12:46	DP05	SUPP	TX:MALE IS PACING BACK AND FORTH BY A CHAIN LINK FENCE BY A BENCH
19:13:20	DP05	SUPP	RP [redacted] /RP\TX:WILL KEEP RP ON LL TILL PD 97
19:14:16	DP05	SUPP	TX:SUBJ IS STILL 97 ...PER RP HE IS EATING CHIPS OR SUNFLOWERS BUT RESTING HIS HAND ON THE GUN
19:14:40	DP10	MISC	BC'D ON A3/A4
19:15:26	K310	BACK-ENR	3H109 5A55H:S
19:15:26	K310	PERS-ID	5A55H [redacted]>CHAMBERS ANGUS M/0972
19:15:36	DP13	ONSCENE	3H104, IAO
19:15:53	DP13	MISC	3H104, 97 ON ANDERSON SIDE, WILL SEARCH IAO
19:16:21	K288	ONSCENE	3H74
19:17:00	K241	ONSCENE	3H16D
19:17:22	DP05	SUPP	TX:SUBJ IS NOW WALKING DOWN THE HILL
19:17:37	K030	ONSCENE	3H11D
19:17:38	DP05	SUPP	TX:SAYS A LITTLE FURTHER INTO THE PARK , BY THE ENTRANCE AT ALABAMA PER RP
19:18:02	DP05	SUPP	TX:HE IS WALKING INSIDE THE PARK
19:18:05	DP13	MISC	3H104, IS SUBJ WALKING ON PATH INSIDE PARK OR OUTSIDE ON THE OUTER RIM?
19:18:21	DP05	SUPP	TX:THERE IS A ROAD THAT GOES INSIDE THE PARK..HE IS ON THAT ROAD TWDS FOLSOM PER RP
19:18:37	DP05	SUPP	TX:RP SAYS BERNAL HEIGHTS PARK
19:18:47	DP13	MISC	C33
19:18:49	DP05	SUPP	TX:RP HEARD SHOTS FIRED
19:18:50	DP13	MISC	C33
19:18:52	DP09	MISC	3H104, SHOTS FIRED
19:18:53	DP13	MISC	SHOTS FIRED
19:19:09	DP09	MISC	3H104, OFFICER INV 217
19:19:15	DP13	MISC	3H104, OFFICER INVOLVED 217
19:19:15	DP05	SUPP	TX:RP IS STILL IN THE PARK ..SAYS PD IS FIRING AT RP

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19:19:26	DP10	BACK-ENR	3H104 3C60:P
19:19:26	DP10	PERS-ID	3C60 <[redacted]>CUEVAS NICHOLAS/2295
19:19:27	DP13	BACK-ENR	3H104 3H5C:P
19:19:27	DP13	PERS-ID	3H5C[redacted]PADILLA OSCAR A/4052
19:19:28	DP10	MISC	3C60, 3
19:19:31	DP10	MISC	3C60, C3
19:19:31	DP05	SUPP	TX:RP IS WEARING A BLK JKT ....HAS TWO DOGS W/ HIM
19:19:34	K145	BACK-ENR	3H104 3I13D:P
19:19:34	K145	MISC	3I13D, CODE 3 TARAVAL AND 32NS
19:19:34	K145	PERS-ID	3I13D[redacted]>HAWES,SHYRLE/4281 <[redacted]>STOKES,CAMERON/43 07
19:19:39	K064	BACK-ENR	3H11D 3H73:P
19:19:39	K064	PERS-ID	3H73 <[redacted]>PEREGOY MICHAEL E/0762
19:19:40	DP10	BACK-ENR	3H104 3D11D:P
19:19:40	DP10	PERS-ID	3D11D <[redacted]>ABAUNZA ALVAROC/4239 <[redacted]>BUCKLEY NICHOLAS C/1537
19:19:42	K076	BACK-ENR	3H11D 3D74:P
19:19:42	K076	PERS-ID	3D74 <[redacted]>MAYO MICHAEL E/2308 <[redacted]>OBIDI JOSEPH A/2328
19:19:42	DP05	SUPP	TX:RP IS AT COSO AND BONVIEW
19:19:45	DP10	MISC	3D11D, FROM 18TH/HARTFORD C3
19:19:51	DP13	ONSCENE	3H109
19:19:55	DP14	MISC	3D11D, RES C/3 FROM HARTFORD
19:19:57	SU02	MISC	FUENTES IN OPS NTFD / OMALLEY **********
19:20:00	DP14	BACK-ENR	3D11D 3C11D:P
19:20:00	DP14	PERS-ID	3C11D <[redacted]>GUZMAN DANIEL E/2066 <[redacted]>WISE RICHARD J/4208
19:20:06	DP09	MISC	3H104, SIC CODE 3 BERNAL HEIGHTS FOLSOM
19:20:14	DP13	MISC	**** FD CAD #310 ****
19:20:16	DP10	BACK-ENR	3H104 3D62:P
19:20:16	DP10	PERS-ID	3D62 <[redacted]>ROCK BRANDON J/2392 <[redacted]>COLLINS, TRENT/4252
19:20:18	DP09	MISC	3H104, NO OFFICERS INJURED SUSP IS DOWN SHOT
19:20:20	K108	BACK-ENR	3H104 3H10:P
19:20:20	K108	PERS-ID	3H10 <[redacted]>WILSON CRAIG D/1047
19:20:22	DP13	MISC	3H104, SUSP DOWN. NO OFFICERS INJURED
19:20:23	DP05	SUPP	TX:RP IS NOW GETTING A[redacted]....WILL STAY IN HIS VEH AND WAIT FOR PD
19:20:24	DP09	MISC	3H104, NTFY 200
19:20:27	K106	BACK-ENR	3H109 3H4C:P
19:20:27	K106	PERS-ID	3H4C <[redacted]>THOMPSON GERALD S/4223
19:20:28	DP14	MISC	3C11D, C/3 FROM BAYSHORE/CORTLAND...3C170 3C104 ACK
19:20:31	DP13	BACK-ENR	3H104 3H203:S
19:20:31	DP13	PERS-ID	3H203[redacted]DELGADILLO MARIO J/0758
19:20:32	DP03	SUPP	RP:[redacted]\AD:WPH2-[redacted]\PH:[redacted]\ORIGIN:E911\TX:RP STATING [redacted] SAW THE MALE WITH THE 221 , LMA MID 20'S WEARING RED 49ER JKT AND 49ER HAT WITH A GUN HOLSTER.. UNK DIRECTION .. RP HEARD THE SHOTS..
19:20:51	DP09	MISC	3H104, RESP TAKE FOLSOM FROM ARMY
19:21:04	K167	BACK-ENR	3H104 3H13C:P
19:21:04	K167	PERS-ID	3H13C[redacted]SCHIFF RICHARD/1968 <[redacted]>FULGADO SHAWN M/0809
19:21:09	DP09	MISC	3H104, ONE SUSP ONLY SCENE CONTAINED
19:21:13	DP13	MISC	3H104, 1 SUSP ONLY CONTAINED
19:21:29	SU03	MISC	THREE SHOT SPOTTER ACTIVATIONS AT THIS LOCATION.
19:21:39	DP10	MISC	3D62, SHUT DOWN C3
19:21:51	DP10	MISC	3D11D, GUE/CC SHUT DOWN C3
19:21:56	SU02	BACK-ENR	3H104 3C170:S
19:21:56	SU02	PERS-ID	3C170 <[redacted]>HALL III HUGH D/0567

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19:22:03	DP13	MISC	BLOCK OFF FOOT TRAFFIC AT BOTTOM OF HILL
19:22:05	DP14	MISC	3C11D, PER 3C204 CONTINUE TO RESPOND..SHUT DOWN C/3
19:22:06	DP10	BACK-ENR	3H16D 3C14D:P
19:22:06	DP10	PERS-ID	3C14D <[redacted]>VALLE CLAUDIA M/4358 <[redacted]>BORGEN ARNOLD J/4108
19:22:07	DP09	MISC	3H104, BLOCK OFF FOOT TRAFFIC BOTTOM OF THE HILL
19:22:13	DP10	BACK-ENR	3C11D 3D13D:P
19:22:13	DP10	PERS-ID	3D13D <[redacted]>GARZA, ANDRES/4253 <[redacted]>HOLLAND MARK/4372
19:22:22	DP14	BACK-ENR	3C11D 3C4C:P
19:22:22	DP14	PERS-ID	3C4C <[redacted]>WILGUS PAUL A/2036
19:22:23	K169	EMERGNCY	3D62
19:22:24	K328	BACK-ENR	3D62 3D44C:P
19:22:24	K064	CLEAR	3H73 HAN
19:22:24	K328	PERS-ID	3D44C <[redacted]>PRIETO LUIS E/2458
19:22:30	K253	BACK-ENR	3C170 3C76:P
19:22:30	K253	PERS-ID	3C76 <[redacted]>MARTINEZ EDDIEBERTO/4190 <[redacted]>PASHBY MATHEW J/1575
19:22:39	DP10	MISC	3D62, NOM TO C33 BUTTON
19:22:44	DP05	SUPP	TX:RP HAS NOW PARKED ON FOLSOM/RIPLEY TO BE SAFE .....WILL 909 W/ PD ....IS IN A[redacted] ..WILL WAIT FOR PD
19:22:54	K145	MISC	3I13D, SHUT DOWN CODE 3
19:22:59	DP13	MISC	3H109, CALLING DOC NOW. NEED 1 UNIT TO STAY AT BOTTOM OF HILL
19:23:12	DP10	BACK-ENR	3H109 3D45C:P
19:23:12	DP10	PERS-ID	3D45C <[redacted]>CUNNINGHAM, BLAKE/4264 <[redacted]>KELLY BRIAN M/1019
19:23:22	DP13	MISC	3C11D, 97 AT BOTTOM OF HILL. CLOSING IT OFF. SFFD WILL BE ABLE TO ACCESS
19:23:50	DP13	BACK-ENR	3H109 3H135:S
19:23:50	DP10	ONSCENE	3D11D
19:23:50	DP13	PERS-ID	3H135 <[redacted]>ALVAREZ MELONEE A/0019
19:24:02	DP13	CHGLOC	3H135 FOLSOM ST/RIPLEY ST,SF, TO MAKE 909
19:24:31	DP09	BACK-ONS	5A55H 3D203:S 3D104:S
19:24:31	DP09	PERS-ID	3D203 <[redacted]>HOFSASS PAMELA M/2184
19:24:31	DP09	PERS-ID	3D104 <[redacted]>SHEEHAN JOHN P/0550
19:24:35	DP09	MISC	5A55H, CERT RESPONDING
19:24:46	K076	CLEAR	3D74 HAN
19:24:57	DP13	MISC	3H109, MISSION TO HANDLE A'S & B'S TFN
19:25:09	DP13	BACK-ENR	3H135 3I16D:P
19:25:09	DP13	PERS-ID	3I16D <[redacted]>DEJESUS PETER KENT C/1992 [redacted]LABSON RODRIGO J/1955
19:25:12	DP13	ONSCENE	3I16D, W/ 909
19:25:21	DP09	MISC	3H104, KEEP FIRE LANE OPEN DONT BLOCK THE ST
19:25:22	K328	ONSCENE	3D44C
19:25:26	DP13	MISC	KEEP FIRE LANE OPEN
19:25:38	DP10	BACK-ENR	3H109 3H105:S
19:25:38	DP10	PERS-ID	3H105 <[redacted]>WALKER JR ROBERT L/1121
19:25:45	DP09	MISC	3H105, HAS ORIGINAL 909
19:25:57	DP10	BACK-ENR	3H109 3D15D:P
19:25:57	DP10	PERS-ID	3D15D <[redacted]>NANTROUP JESSICA L/2351 <[redacted]>MARTIN BRANDON W/1445
19:25:58	DP13	MISC	PER FD CAD #310: B06, E11, T11 97
19:26:02	K069	ONSCENE	3C60
19:26:07	DP13	MISC	PER FD CAD #310: M89 97
19:26:37	SU03	MISC	DOC WAS NOTIFIED
19:26:49	DP13	MISC	3C11D, ROAD NEEDS TO BE CLOSED OFF FOLSOM INTO THE PARK
19:27:21	DP13	BACK-ENR	3H109 3X302:UN

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19:27:21	DP13	PERS-ID	3X302 [redacted]>OSUNA MARK B/2141
19:27:53	DP19	SUPP	RP:ANON XAD:[redacted]\PH[redacted]\TX:911 DROP, ON CB, SAW PD TALKING TO SUBJ, WAS TOLD TO NOT GO UP ON HILL BECAUSE THERE WAS A 221 UP THERE, DID NOT SEE ANYTHING HERSELF
19:28:02	DP09	BACK-ONS	3H4C 3H1C:P, NTFY MUNI 67 LINE REROUTED
19:28:02	DP09	PERS-ID	3H1C [redacted]>LIM OLIVER N/2001
19:28:06	DP13	MISC	3C60, CLOSING OFF EAST SIDE OF PARK
19:28:29	DP13	BACK-ONS	3H104 3H13D:P
19:28:29	DP13	PERS-ID	3H13D <[redacted]>GONZALEZ MIGUEL B/1876
19:28:31	DP13	CHGLOC	3H13D CO H,SF, W/ 2 909'S, PER 3H105
19:28:31	K253	CLEAR	3C76 HAN
19:29:12	DP09	MISC	3H1C, MUNI NTFD
19:29:16	DP13	DSPINFO	3C60 BERNAL HEIGHTS - EAST
19:29:47	DP13	CLEAR	3D45C
19:31:18	K048	ONSCENE	3C170
19:31:19	DP13	MISC	5A55H, UNIT TO CANVAS AREA FOR WITNESSES
19:32:12	DP13	MISC	5A55H, UNIT TO WALK UP FROM SOUTH ENTRANCE & 909'S UP ON HIGH GROUND WHO MAY HAVE WITNESSED THIS
19:33:16	DP09	MISC	3H135, COMMAND POST?
19:33:22	DP05	MISC	ALL UNITS ON THIS SWITCH TO A12
19:33:44	DP13	MISC	COMMAND POST AT VEH 125
19:33:46	DP05	MISC	3H109, CMD POST AT VEH 125 ON THE ROAD WILL BE THE CMD POST #5891717
19:34:21	K169	CLEAR	3D62 ND
19:34:23	DP09	MISC	3H135, VEH 125 COMMAND POST PHONE 589 1717
19:34:29	DP05	MISC	3H109, ACK'D A12 IS NOW THEIR CHNL
19:34:45	DP05	MISC	****BC'ED ON AN ALL FOR THIS UNITS TO REVERT TO A12****** ****
19:35:23	DP13	MISC	3H109, WILL ADJUST COMMAND POST & ADVISE
19:35:24	DP05	MISC	3H109, CELL PHONE# IS [redacted] FOR THE CMD POST
19:35:30	DP13	CLOC-ONS	3H1C FOLSOM ST/RIPLEY ST,SF, W/ 1 909
19:35:36	DP13	MISC	3H13D, CORRECTION: TX'D 1 909 TO CO H
19:35:43	K145	MISC	3I13D, 97 BLOCKING EB TRAFFIC AT BERNAL HEIGHTS AND ANDERSON ST
19:36:07	DP13	MISC	3D15D, 909 SAW 94 TAURUS, BLK, W/ 2 LMA'S ABD... FLEEING BERNAL HEIGHTS BL, UNK DIRECTION FROM THERE
19:36:33	DP13	MISC	3D13D, 98 W/ CRIME SCENE LOG
19:37:16	DP09	MISC	3D15D, PUT DOWN INFO ON AN ALL
19:37:28	DP13	MISC	SEND MEDIA TO TOP OF FOLSOM WHERE IT MEETS BERNAL HEIGHTS RD
19:37:39	DP05	MISC	3I16D, MEDIA IS 97 WHERE DOES 3H109 WANT THEM SET UP?
19:39:24	DP08	CHGLOC	3H15D CO H,SF, PER LL
19:40:09	DP13	MISC	3H109, COMMAND POST NOW AT SILVER CROWN VIC NEXT TO PARK BENCH INSIDE BERNAL HEIGHTS PARK
19:40:43	K341	CLEAR	3C14D ND
19:40:48	DP14	CLEAR	3D11D
19:41:00	K047	ONSCENE	3C4C
19:41:45	DP13	BACK-ENR	3H109 3H112:S
19:41:45	DP13	PERS-ID	3H112 <[redacted]>CHAN LAWRENCE T/1484
19:41:54	DP13	ONSCENE	3H203
19:42:02	DP13	MISC	3H203, AT CRIME SCENE
19:42:26	DP13	ONSCENE	3C11D
19:42:31	DP13	ONSCENE	3X302
19:42:54	DP09	ONSCENE	3H112
19:42:54	DP09	ONSCENE	3H135
19:42:54	DP09	ONSCENE	3H105
19:42:54	DP09	ONSCENE	3H10

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19:42:54	DP09	ONSCENE	3H13C
19:42:54	DP09	ONSCENE	3H35
19:42:54	DP09	ONSCENE	3H75
19:43:02	DP09	ONSCENE	3I13D
19:43:03	DP13	CLOC-ONS	3C11D FOLSOM ST/BERNAL HEIGHTS BL,SF
19:43:08	DP09	ONSCENE	5A55H
19:43:14	DP09	ONSCENE	3H5C
19:43:14	DP09	ONSCENE	3H4C
19:43:27	DP13	MISC	3H11D, 97 UP ON THE HILL
19:43:31	SU04	MISC	3X302, DOC REQ ON ALL FOR ANY ON DUTY CIRT OFFICERS TO RESP ON SCENE..ADV TO REVERT TO A12
19:43:42	DP09	CHGLOC	3H5C CO H,SF, ORIGINAL CALLER
19:44:59	DP13	BACK-ONS	3H109 4T201:UN
19:44:59	DP13	PERS-ID	4T201 <[redacted]>MAR GLENN D/1829
19:45:14	DP13	MISC	3C11D, DIRECTING UNITS TO THE COMMAND POST, UP THE FIRE ROAD
19:46:27	DP13	BACK-ONS	3H109 5X102:UN
19:46:47	DP11	BACK-ENR	5A52A:S
19:46:52	DP13	MISC	3I16D, WE ARE THE ONLY UNITS 97 AT THE BOTTOM, AND WE ARE 97 W/ THE MEDIA
19:47:29	DP05	BACK-ENR	3H109 3H300:S
19:48:31	DP13	MISC	3C11D, MAIN ENTRANCE IS ACCESSIBLE TO COMMAND POST. 3X500: NO OTHER VEH TO COMMAND POST UNTIL APPROVED
19:48:53	DP13	CLOC-ONS	3D13D BERNAL HEIGHTS BL/FOLSOM ST,SF, BLOCKING TRAFFIC
19:49:25	DP13	MISC	3D15D, WAS BLOCKING TRAFFIC, BUT WILL BE HEADING SOMEWHERE ELSE TO ASSIST
19:50:03	DP05	MISC	3H13C, BC ON DUTY CERT PEOPLE TO 901[redacted]
19:50:13	DP13	BACK-ONS	3H109 5V105:UN
19:50:13	DP10	CLEAR	5V105
19:50:13	DP13	PERS-ID	5V105 <[redacted]>RIVERA GABRIEL J/2296
19:50:17	DP10	BACK-ENR	3H109 5V105:UN
19:50:17	DP10	PERS-ID	5V105 <[redacted]>RIVERA GABRIEL J/2296
19:50:36	DP13	DSPINFO	3H1C BERNAL COMMAND POST
19:51:11	DP13	DSPINFO	3H4C BERNAL HEIGHTS - WEST SIDE, OTHER SIDE OF BERNAL HEIGHTS
19:52:12	DP13	MISC	3H203, 2 RADIO CARS TO COMMAND POST
19:52:39	DP13	MISC	3C11D, SUV AND BLK & WHI 98 TO COMMAND POST NOW
19:52:47	DP13	DSPINFO	3H1C BERNAL COMMAND POST
19:52:54	DP13	BACK-ONS	3H1C 3D11D:P
19:52:54	DP13	PERS-ID	3D11D <[redacted]>ABAUNZA ALVAROC/4239 <[redacted]>BUCKLEY NICHOLAS C/1537
19:53:19	DP13	CLOC-ONS	3H10 RIPLEY ST/ALABAMA ST,SF, NORTH SIDE
19:53:51	DP13	DSPINFO	3H11D BERNAL HEIGHTS - ON HILL
19:54:24	K069	CLEAR	3C60 ND
19:54:49	DP13	CLOC-ONS	3H16D CO H,SF
19:55:17	DP14	PREEMPT	3C11D
19:55:21	DP13	CLOC-ONS	3H35 CO H,SF, PER 3H16D
19:55:55	DP13	MISC	3H74, HALF 3H74 97 AT CO H, OTHER HALF 98 BACK TO BERNAL HEIGHTS PARK
19:56:14	DP13	CLEAR	3H75, NO 3H75 WORKING TODAY
19:56:34	DP13	CLOC-ONS	3I13D BERNAL HEIGHTS BL/ANDERSON ST
19:56:40	DP13	MISC	3I13D, BLOCKING TRAFFIC
19:57:59	DP13	MISC	3H109, NEED OFFICERS TO WEST SIDE OF CRIME SCENE & SEARCH FOR ANY UNINTENDED VICTIMS AS RESULT OF GUNFIRE TRAVELLING PAST INTENDED TARGET. ALSO TO CHECK FOR DAMAGE TO HOUSES.
19:58:41	DP13	ONSCENE	3H5C

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19:58:52	DP13	ENROUTE	3H5C, WILL CANVAS WEST SIDE
19:59:31	DP13	REQCC	140240512 assigned
20:00:43	DP10	PREEMPT	5V105
20:01:08	DP13	ENROUTE	3H10, WILL CANVAS WEST SIDE
20:02:32	DP13	MISC	3H112, ACCESS TRAFFIC SITUATION. IF VEHICLES CAN GET BY WITHOUT INTERFERING W/ PD OPERATIONS, LET THEM BY. NO CIVILIANS ALLOWED INTO BERNAL HEIGHTS PARK.
20:02:53	DP13	MISC	3H11D, AFTER CLEARING ROAD, WILL BE ABLE TO ASSIST W/ CANVASSING WEST SIDE
20:05:29	DP10	CLEAR	3C4C
20:05:49	DP05	ONSCENE	3H300
20:06:01	DP13	CHGLOC	3H5C BERNAL HEIGHTS PARK,SF
20:06:22	DP13	MISC	3X302, SFFD LAMP TRUCK TO CRIME SCENE, ACCESS FROM FOLSOM/BERNAL HEIGHTS RD
20:09:14	DP13	MISC	PARK RANGER 98 ON FOOT
20:11:28	DP13	MISC	3X302, CHECK W/ DPW FOR LAMPS
20:13:12	SU04	MISC	DEM1 PAGE SENT AT 19:39
20:13:34	DP13	ONSCENE	3H13D
20:13:37	DP13	ONSCENE	3H15D
20:13:51	SU03	MISC	DEM1 UPDATE SENT/RASKIN
20:14:12	DP10	BACK-ENR	3C170 3C11D:P
20:14:12	DP10	PERS-ID	3C11D [redacted] WISE RICHARD J/4208 [redacted] GUZMAN DANIEL E/2066
20:14:23	DP10	CHGLOC	3C11D FOLSOM ST/BERNAL HEIGHTS BL,SF, TO PICK UP MY PARTNER
20:14:45	DP13	MISC	CSI 97
20:15:35	DP34	SUPP	TX:EXTENDED ETA FOR THE FD LIGHT UNIT...TRANSPORTING APARATUS IS ON A REP OF SIB
20:15:59	DP13	MISC	3X302, ALL PERSONNEL AT THE SCENE: IF NOT NEEDED,CHECK IN W/ COMMAND POST & GO BACK IN SERVICE
20:17:15	DP14	PREEMPT	3D11D
20:18:16	DP13	MISC	CSI CARAVANING UP THE HILL NOW
20:19:28	DP13	MISC	410 W/ UTILITY UNIT, FD CAD #323
20:19:31	DP10	PREEMPT	3D15D
20:20:17	DP05	CLEAR	3H35
20:20:33	DP13	RCONTACT	3X302, ACK'D 410 W/ LAMPS
20:21:58	DP13	CLEAR	4T201
20:24:29	DP14	CLEAR	3D203
20:24:35	DP14	BACK-ONS	3D104 3D101:S
20:24:35	DP14	PERS-ID	3D101 [redacted] STEGER NATHANIEL B/2252
20:24:37	DP14	CLEAR	3D104
20:24:40	DP14	CLEAR	3D101
20:26:29	DP05	BACK-ENR	5X109:UN
20:26:34	DP05	MISC	5X109, 98 FROM HOJ
20:31:04	DP13	CLEAR	3C170, CLEARING FROM CRIME SCENE, HEADING BACK TO BAYVIEW
20:36:35	DP13	MISC	3I16D, E21 97 W/ LIGHTING UNIT
20:36:50	DP13	MISC	3H203, HAVE E21 905 AT COMMAND POST
20:37:05	DP13	MISC	3H203, HAVE E21 MAKE A RIGHT WHEN THEY COME UP TO THE COMMAND POST
20:37:59	DP13	BACK-ONS	3H203 1E203:UN
20:42:27	K350	MISC	3C11D, REG MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
20:54:31	DP13	MISC	M.E. 97
20:57:53	DP05	MISC	3H11D, ADV CO H UNITW WHO WERE ACTUALLY INVOLVED ON THE OIS, THAT THE COVER PAGE IS UP AND TO BEGIN THEIR STATEMENT

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20:58:45	DP13	MISC	BC'D ABOVE INFO ON A12
21:02:13	DP15	CLEAR	5A52A
21:06:35	DP13	MISC	3H203, NEED A12 FOR ANOTHER HALF HOUR.
21:10:27	DP13	ONSCENE	3C11D
21:12:50	DP13	BACK-ENR	3D13D 3D91:P, TO RELIEVE 3D13D
21:12:58	DP13	MISC	3D13D, 97 ON EAST OF PARK
21:13:04	DP17	BACK-ONS	3H203 4C1:UN, 4C1 SHOW ME 97 ON THE OIS
21:13:18	K350	MISC	3C11D, REG MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
21:14:18	DP10	MISC	3D91, TO RELIEVE 3D13D
21:14:28	K350	MISC	3C11D, MONSTR MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
21:15:06	K350	MISC	3C11D, MONSTR MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
21:22:37	DP17	ONSCENE	5X109
21:24:53	DP13	CLEAR	3X302
21:27:16	DP13	MISC	3H203, CLEAR A12. ALL UNITS TO REVERT BACK TO A8
21:30:44	DP13	MISC	3C11D, REQ'ING AVAIL OR OVERFLOW CO H UNITS TO RELEIVE US
21:31:01	DP13	MISC	3C11D, COME TO THE TOP OF THE HILL NEXT TO THE MEDIA VAN
21:31:03	DP13	BACK-ENR	3C11D 3H11E:P
21:31:03	DP13	PERS-ID	3H11E [redacted] MCMILTON MEAGHAN M/2347 [redacted] PEREGRINA MARIA J/2266
21:32:43	DP13	CHGLOC	3H300 CO H,SF
21:35:09	DP13	MISC	3H203, ADV ALL UNITS ON PERMITER, NOT RELEASED UNTIL ADV
21:35:16	DP13	MISC	3C11D, COPIES
21:36:48	DP13	MISC	3C11D, HAVE 2 BAYVIEW UNITS DOING TRAFFIC, NTFY 200
21:37:20	DP13	MISC	3C11D, 3C204 NTFY'D
21:40:29	K014	CLEAR	3H11E 22
21:58:14	DP14	PREEMPT	3C11D
22:02:11	DP09	CLEAR	3I16D
22:02:30	DP13	MISC	3H203, ALL UNITS ON THE PERMITER HAVE BEEN
22:27:02	DP17	NOCONTCT	4C1
22:32:09	K144	BACK-ENR	3H13D 3C4E:P
22:32:09	K144	PERS-ID	3C4E [redacted] >EASTLUND ERIC G/1318
22:45:44	DP09	BACK-ENR	3H203 3H15E:P, 98 TO COMMAND POST
22:45:44	DP09	PERS-ID	3H15E <[redacted]>GARON FERMO JAMIE L/1684 <[redacted]>HAUSCARRIA GUE TOM L/2332
23:09:36	K045	BACK-ENR	3D91 3D11E:P
23:09:36	K045	PERS-ID	3D11E [redacted] POESPOWIDJOJO BUDIMAN R/4373 [redacted] HANSEN GARED D/2095
23:09:43	DP14	BACK-ONS	3H1C 3H35:P
23:09:43	DP14	PERS-ID	3H35 [redacted] QUINTERO JUSTIN J/1473 [redacted] THOMPSON DACK O/1292
23:09:58	DP14	CHGLOC	3H35 HOJ,SF, F/U W/ INVESTIGATORS
23:16:12	K144	ONSCENE	3C4E
23:17:10	DP13	ONSCENE	3H10

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23:17:12	DP13	ONSCENE	3H5C
23:17:23	DP13	ONSCENE	3D91
23:24:59	DP13	CLOC-ONS	3D11E BERNAL HEIGHTS BL/BRADFORD ST, RELIEVED 3D91
23:25:06	DP13	CLEAR	3D91 HAN
23:28:49	K144	ACKUNIT	3C4E
23:39:44	DP09	BACK-ONS	3H135 3H73:P
23:54:55	DP09	CLEAR	3H1C HAN
23:56:33	K045	ACKUNIT	3D11E
23:57:09	DP13	CLEAR	3D11E HAN, BEEN RELEASED FROM POST GOING BACK TO DISTRICT
00:06:17	K350	BACK-ENR	3C4E 3C11D:P
00:06:17	K350	PERS-ID	3C11D [redacted] WISE RICHARD J/4208 [redacted] GUZMAN DANIEL E/2066
00:06:29	K350	CLEAR	3C11D HAN
00:09:55	K333	MISC	3H109, SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
00:31:22	DP13	BACK-ENR	3H11D 3H11E:P
00:31:22	DP13	PERS-ID	3H11E [redacted] MCMILTON MEAGHAN M/2347 [redacted] PEREGRINA MARIA J/2266
00:31:50	DP09	PREEMPT	3H11E
00:32:26	DP09	BACK-ENR	3H104 3H11E:P
00:32:26	DP09	PERS-ID	3H11E [redacted] MCMILTON MEAGHAN M/2347 [redacted] PEREGRINA MARIA J/2266
00:35:38	K014	ONSCENE	3H11E
00:42:31	DP13	PREEMPT	3H13D
00:49:41	DP13	MISC	3I13D, FIRE TRUCK COMING YOUR WAY , ONCE FIRE TRUCK CLEARS YOU CAN GOT 10-8
00:49:54	DP13	MISC	3C4E, CAN CLEAR PER 3H109
00:49:58	DP13	CLEAR	3C4E HAN
00:51:05	K145	CLEAR	3I13D HAN
01:04:18	DP10	CLEAR	3D44C
01:09:02	DP13	MISC	3H109, CRIME SCENE COMPLETE 10-7, COMMAND POST 10-7. ALL UNITS CLEAR OR BACK AT CO
01:09:11	DP13	CLEAR	4C1 ND
01:09:51	DP13	CLEAR	1E203 ND
01:10:03	DP13	MISC	3H15E, CHECKING GATES
01:10:22	DP13	CLOC-ONS	3D13D CO D,SF, PER 3H109 ALL UNITS BACK AT CO
01:10:34	DP13	CLEAR	3H4C ND
01:11:06	DP13	CLEAR	3H5C ND
01:11:13	DP14	BACK-ENR	3D13D 3D11E:P
01:11:13	DP14	PERS-ID	3D11E [redacted] POESPOWIDJOJO BUDIMAN R/4373 [redacted] HANSEN GARED D/2095
01:11:43	DP13	CLEAR	3H10
01:11:45	DP14	CLEAR	3D11E
01:11:50	DP13	CLOC-ONS	3H11D CO H,SF
01:11:56	DP13	CLOC-ONS	3H11E CO H,SF
01:12:01	DP13	CLEAR	3H13C ND
01:12:48	DP09	CLEAR	3H11E ND
01:13:39	DP13	CLEAR	3H35 ND
01:13:44	DP13	CLEAR	3H73 ND
01:13:50	DP13	CLOC-ONS	3H74 CO H,SF
01:13:54	DP13	CLEAR	3H104 ND
01:14:00	DP13	CLEAR	3H105 ND
01:14:13	DP13	CLOC-ONS	3H109 CO H,SF
01:14:21	DP13	CLEAR	3H112 ND

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01:14:27	DP13	CLEAR	3H135 ND
01:14:33	DP13	CLEAR	3H203 ND
01:14:38	DP13	CLEAR	3H300 ND
01:14:49	DP13	CLOC-ONS	5A55H CO H,SF
01:14:57	DP13	CLOC-ONS	5X102 CO H,SF
01:15:03	DP13	CLEAR	5X109 ND
01:15:13	DP14	MISC	3D13D, 17/GUERREO 216S?
01:15:45	DP14	MISC	3D13D, POSS FWS ONLY, NEG ON SHOTSPOYYER
01:16:19	K061	BACK-ENR	3D13D 3D15E:P
01:16:19	K061	PERS-ID	3D15E <[redacted]>MACCHI PATRICK/1598 <[redacted]>WILSON GLEN M/0627
01:16:29	K061	CLEAR	3D15E HAN
01:16:47	DP14	MISC	3D13D, SPOKE TO 909, WAS FWS C4
01:18:25	DP09	ONSCENE	3H15E, GATE LOCKED BUT NOT SECURE..PADLOCK IS LOCKED..GAT E NOT CLOSE..901 PARK PD
01:19:04	K241	CLEAR	3H16D ND
01:22:01	DP09	MISC	242-6390 PARK PATROL WILL SEND SOMEONE OUT
02:06:02	DP14	CLEAR	3D13D
02:24:06	DP15	PREEMPT	5X102
02:39:21	DP13	CLEAR	3H109 ND
02:54:49	DP13	CLEAR	3H15E ND
03:06:39	DP09	MISC	3H11D, STILL 97 PER CO H
03:06:44	DP09	CLEAR	3H15D HAN, 7E PER CO H
03:09:01	DP09	CLEAR	5A55H HAN, 7E PER CO H
06:13:51	DP09	CLEAR	3H11D
07:04:33	DP09	CLEAR	3H74
07:04:33	DP09	CLOSE	

Call Recap:

INITIATE:	19:09:31 03/21/2014	**CALL NUMBER:**	#2955	
ENTRY:	19:11:47 03/21/2014	**CURRENT STATUS:**	CLOSE	
DISPATCH:	19:12:16 03/21/2014	**PRIMARY UNIT:**	3H104	
ON SCENE:	19:15:36 03/21/2014	**JURISDICTION:**	SP	
CLOSE:	07:04:33 03/22/2014	**DISPOSITION:**	HAN	
ADDRESS:	251 BERNAL HEIGHTS BL, SF (BERNAL HEIGHTS PARK)			
DAREA:	3H			
SECTOR:	H1	**REPORT NUMBER:**	140240512	
RA:	863	**TYPE:**	221	PERSON WITH GUN
FIRE:	5663	**PRIORITY:**	A	
		PRIOR HISTORY:	16	

CP:	[redacted]		
ADDRESS:	[redacted]		
PHONE:	[redacted]	**CAD TIMESTAMP:**	CADT 0322140704

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OPERATOR ASSIGNMENTS:			
	DP05	[redacted]	EBRON,DEBORAH A
	DP13		MACKIEWICZ,FIATAMALII N
	K288		HOPKINS,BRIAN R
	K042		CHEW,NATHAN L
	K241		CUENCA,JEFFREY V
	DP10		HILLCOAST,KAYLEIGH J
	K310		CHAMBERS,ANGUS M
AS OF 19:15:36	DP13		LOK,DORIAN W
	K030		SNADOW, SAM
	DP09		CUEVAS,JOSE L
	K145		HAWES,SHYRLE
	K064		PEREGOY,MICHAEL E
	K076		OBIDI,JOSEPH A
	DP14		ADAMSON,DANESHIA L
	SU02		OMALLEY,KAREN E
	K108		WILSON,CRAIG D
	K106		THOMPSON,GERALD S
	DP03		ELICETCHE,NATALIE Y
	K167		SCHIFF, RICHARD
	SU03		MOYLAN,MAURA A
	K169		ROCK, BRANDON J
	K328		PRIETO,LUIS E
	K253		MARTINEZ,EDDIEBERTO
	K069		CUEVAS,NICHOLAS
	K048		HALL III,HUGH D
AS OF 19:33:22	DP05		MACKIEWICZ,FIATAMALII N
	DP08		SOLIS,DAVID J
	K341		VALLE, CLAUDIA
	K047		WILGUS,PAUL A
	SU04		SERNA,LORRIE M
	DP11		ROBINSON,BELINDA M
AS OF 19:55:17	DP14		ROBINSON,BELINDA M
AS OF 20:05:49	DP05		SOLIS,DAVID J
AS OF 20:13:51	SU03		RASKIN,ANNE J
	K350		WISE,RICHARD J
	DP15		HOLLINS,RAINA S
	DP17		EBRON,DEBORAH A
AS OF 21:14:18	DP10		ROBINSON,BELINDA M
AS OF 21:30:44	DP13		SOLIS,DAVID J
	K014		PEREGRINA,MARIA J
AS OF 21:58:14	DP14		MOSBAUGH,JEFFREY L
AS OF 22:02:11	DP09		LOK,DORIAN W
AS OF 22:27:02	DP17		HILLCOAST,KAYLEIGH J
	K144		EASTLUND,ERIC G
	K045		HANSEN,GARED D
AS OF 23:09:43	DP14		DAVID,EILEEN A
AS OF 23:17:10	DP13		EBRON,DEBORAH A
	K333		RISKIN,SETH J
AS OF 00:31:50	DP09		ROBINSON,BELINDA M
AS OF 01:09:02	DP13		DRYDEN,SEAN T
AS OF 01:11:13	DP14		YAMAMOTO-ORLANDO,LIANE H
	K061		WILSON,GLEN M
AS OF 02:24:06	DP15		MABANAG,HUBERT W
AS OF 03:06:39	DP09		HART,KENNETH R
AS OF 07:04:33	DP09		GRIVES,HEATHER M

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Tiburon/CAD EVENT HISTORY DETAIL: S140802955 03-28-14
SAN FRANCISCO POLICE 11:07

S140802955 A 221 BERNAL HEIGHTS PARK,SF (251 BERNAL HEIGHTS BL) H1

19:11:47	DP05	ENTRY	AD:WPH2-[redacted] SF #WPH2-CONF 26 FT, 090 %[redacted] [redacted] [redacted]\PH:[redacted]\ORIGIN:E911\TX:CHP TX..LMA....MALE IN A BRIGHT RED JKT...6'1....200LBS ..BLK PANTS ...HAS A GUN ON HIS HIP..BLK HANDGUN
19:11:47	DP05	PRIOR	852 03/18/14 S1170 (15 MORE)
19:11:52	DP17	MISC	BC A11
19:12:15	DP13	BRDCAST	140802955 A 221 BERNAL HEIGHTS PARK,SF 10-8: 3H 3H00 3H4C 3H5C 3H10 3H13C 3H13D 3H35 3H42C 3H74 3H104 3H105
19:12:16	DP13	DISP-ENR	3H104:S
19:12:16	DP13	PERS-ID	3H104 <[redacted]>SAWYER JASON C/1127
19:12:20	DP13	BACK-ENR	3H104 3H75:P
19:12:22	K288	BACK-ENR	3H104 3H74:P
19:12:22	K288	PERS-ID	3H74 <[redacted]>HOPKINS BRIAN R/0464 <A09313>UANG STEVEN H/1299
19:12:24	DP13	BACK-ENR	3H75 3H35:P
19:12:24	DP13	PERS-ID	3H35 <[redacted]>QUINTERO JUSTIN J/1473 <[redacted]>THOMPSON DACK O/1292
19:12:27	DP13	BACK-ENR	3H75 3H109:S
19:12:27	DP13	PERS-ID	3H109 [redacted]>RISKIN SETH J/1915
19:12:30	DP05	SUPP	TX:MALE IS STANDING ON THE NORTH SIDE OF BERNAL HILL
19:12:33	DP13	BACK-ENR	3H109 3H11D:P
19:12:33	DP13	PERS-ID	3H11D [redacted]8>SNADOW SAM/1644 [redacted]>DILAG ROEL V/0173
19:12:33	K042	BACK-ENR	3H104 3H15D:P
19:12:33	K042	PERS-ID	3H15D [redacted]4>MORSE ROGER C/1923 <[redacted]>CHEW NATHAN L/2088
19:12:36	K241	BACK-ENR	3H109 3H16D:P
19:12:36	K241	PERS-ID	3H16D <[redacted]>CUENCA JEFFREY V/0995 <[redacted]>CVETOVAC JR JOHN/2202
19:12:46	DP05	SUPP	TX:MALE IS PACING BACK AND FORTH BY A CHAIN LINK FENCE BY A BENCH
19:13:20	DP05	SUPP	RP:[redacted]/RP\TX:WILL KEEP RP ON LL TILL PD 97
19:14:16	DP05	SUPP	TX:SUBJ IS STILL 97 ...PER RP HE IS EATING CHIPS OR SUNFLOWERS BUT RESTING HIS HAND ON THE GUN
19:14:40	DP10	MISC	BC'D ON A3/A4
19:15:26	K310	BACK-ENR	3H109 5A55H:S
19:15:26	K310	PERS-ID	5A55H [redacted]>CHAMBERS ANGUS M/0972
19:15:36	DP13	ONSCENE	3H104, IAO
19:15:53	DP13	MISC	3H104, 97 ON ANDERSON SIDE, WILL SEARCH IAO
19:16:21	K288	ONSCENE	3H74
19:17:00	K241	ONSCENE	3H16D
19:17:22	DP05	SUPP	TX:SUBJ IS NOW WALKING DOWN THE HILL
19:17:37	K030	ONSCENE	3H11D
19:17:38	DP05	SUPP	TX:SAYS A LITTLE FURTHER INTO THE PARK , BY THE ENTRANCE AT ALABAMA PER RP
19:18:02	DP05	SUPP	TX:HE IS WALKING INSIDE THE PARK
19:18:05	DP13	MISC	3H104, IS SUBJ WALKING ON PATH INSIDE PARK OR OUTSIDE ON THE OUTER RIM?
19:18:21	DP05	SUPP	TX:THERE IS A ROAD THAT GOES INSIDE THE PARK..HE IS ON THAT ROAD TWDS FOLSOM PER RP
19:18:37	DP05	SUPP	TX:RP SAYS BERNAL HEIGHTS PARK
19:18:47	DP13	MISC	C33
19:18:49	DP05	SUPP	TX:RP HEARD SHOTS FIRED
19:18:50	DP13	MISC	C33
19:18:52	DP09	MISC	3H104, SHOTS FIRED
19:18:53	DP13	MISC	SHOTS FIRED

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DO NOT DUPLICATE
Dept. of Emergency Management
City & County of San Francisco

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19:19:09 DP09 MISC      3H104, OFFICER INV 217
19:19:15 DP13 MISC      3H104, OFFICER INVOLVED 217
19:19:15 DP05 SUPP      TX:RP IS STILL IN THE PARK ..SAYS PD IS FIRING AT RP
19:19:26 DP10 BACK-ENR  3H104 3C60:P
19:19:26 DP10 PERS-ID   3C60 [redacted]>CUEVAS NICHOLAS/2295
19:19:27 DP13 BACK-ENR  3H104 3H5C:P
19:19:27 DP13 PERS-ID   3H5C <[redacted]>PADILLA OSCAR A/4052
19:19:28 DP10 MISC      3C60, 3
19:19:31 DP10 MISC      3C60, C3
19:19:31 DP05 SUPP      TX:RP IS WEARING A BLK JKT ....HAS TWO DOGS W/ HIM
19:19:34 K145 BACK-ENR  3H104 3I13D:P
19:19:34 K145 PERS-ID   3I13D <[redacted]>HAWES,SHYRLE/4281 <[redacted]>STOKES,CAMERON/-
                        4307
19:19:34 K145 MISC      3I13D, CODE 3 TARAVAL AND 32NS
19:19:39 K064 BACK-ENR  3H11D 3H73:P
19:19:39 K064 PERS-ID   3H73 [redacted]>PEREGOY MICHAEL E/0762
19:19:40 DP10 BACK-ENR  3H104 3D11D:P
19:19:40 DP10 PERS-ID   3D11D <[redacted]>ABAUNZA ALVAROC/4239 <[redacted]>BUCKLEY
                        NICHOLAS C/1537
19:19:42 DP05 SUPP      TX:RP IS AT COSO AND BONVIEW
19:19:42 K076 BACK-ENR  3H11D 3D74:P
19:19:42 K076 PERS-ID   3D74 <[redacted]>MAYO MICHAEL E/2308 <[redacted]>OBIDI JOSEPH
                        A/2328
19:19:45 DP10 MISC      3D11D, FROM 18TH/HARTFORD C3
19:19:51 DP13 ONSCENE   3H109
19:19:55 DP14 MISC      3D11D, RES C/3 FROM HARTFORD
19:19:57 SU02 MISC      FUENTES IN OPS NTFD / OMALLEY ************
19:20:00 DP14 BACK-ENR  3D11D 3C11D:P
19:20:00 DP14 PERS-ID   3C11D <[redacted]>GUZMAN DANIEL E/2066 <[redacted]>WISE RICHARD
                        J/4208
19:20:06 DP09 MISC      3H104, SIC CODE 3 BERNAL HEIGHTS FOLSOM
19:20:14 DP13 MISC      **** FD CAD #310 ****
19:20:16 DP10 BACK-ENR  3H104 3D62:P
19:20:16 DP10 PERS-ID   3D62 <[redacted]>ROCK BRANDON J/2392 <[redacted]>COLLINS,
                        TRENT/4252
19:20:18 DP09 MISC      3H104, NO OFFICERS INJURED SUSP IS DOWN SHOT
19:20:20 K108 BACK-ENR  3H104 3H10:P
19:20:20 K108 PERS-ID   3H10 <[redacted]>WILSON CRAIG D/1047
19:20:22 DP13 MISC      3H104, SUSP DOWN. NO OFFICERS INJURED
19:20:23 DP05 SUPP      TX:RP IS NOW GETTING A [redacted]....WILL STAY IN
                        HIS VEH AND WAIT FOR PD
19:20:24 DP09 MISC      3H104, NTFY 200
19:20:27 K106 BACK-ENR  3H109 3H4C:P
19:20:27 K106 PERS-ID   3H4C <[redacted]>THOMPSON GERALD S/4223
19:20:28 DP14 MISC      3C11D, C/3 FROM BAYSHORE/CORTLAND...3C170 3C104 ACK
19:20:31 DP13 BACK-ENR  3H104 3H203:S
19:20:31 DP13 PERS-ID   3H203 <[redacted]>DELGADILLO MARIO J/0758
19:20:32 DP03 SUPP      RP:[redacted]\AD:WPH2-[redacted],SF #WPH2-CONF 167 FT, 090
                        [redacted] [redacted]\PH:[redacted]\ORIGIN:E911
                        TX:RP STATING HE SAW THE MALE WITH THE 221 , LMA MID
                        20'S WEARING RED 49ER JKT AND 49ER HAT WITH A GUN
                        HOLSTER.. UNK DIRECTION .. RP HEARD THE SHOTS..
19:20:51 DP09 MISC      3H104, RESP TAKE FOLSOM FROM ARMY
19:21:04 K167 BACK-ENR  3H104 3H13C:P
19:21:04 K167 PERS-ID   3H13C <[redacted]>SCHIFF RICHARD/1968 <[redacted]>FULGADO SHAWN
                        M/0809
19:21:09 DP09 MISC      3H104, ONE SUSP ONLY SCENE CONTAINED
19:21:13 DP13 MISC      3H104, 1 SUSP ONLY CONTAINED
19:21:29 SU03 MISC      THREE SHOT SPOTTER ACTIVATIONS AT THIS LOCATION.
19:21:39 DP10 MISC      3D62, SHUT DOWN C3
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19:21:51 DP10 MISC      3D11D, GUE/CC SHUT DOWN C3
19:21:56 SU02 BACK-ENR  3H104 3C170:S
19:21:56 SU02 PERS-ID   3C170 <[redacted]>HALL III HUGH D/0567
19:22:03 DP13 MISC      BLOCK OFF FOOT TRAFFIC AT BOTTOM OF HILL
19:22:05 DP14 MISC      3C11D, PER 3C204 CONTINUE TO RESPOND..SHUT DOWN C/3
19:22:06 DP10 BACK-ENR  3H16D 3C14D:P
19:22:06 DP10 PERS-ID   3C14D <[redacted]>VALLE CLAUDIA M/4358 <[redacted]>BORGEN ARNOLD
                        J/4108
19:22:07 DP09 MISC      3H104, BLOCK OFF FOOT TRAFFIC BOTTOM OF THE HILL
19:22:13 DP10 BACK-ENR  3C11D 3D13D:P
19:22:13 DP10 PERS-ID   3D13D [redacted]>GARZA, ANDRES/4253 <[redacted]>HOLLAND
                        MARK/4372
19:22:22 DP14 BACK-ENR  3C11D 3C4C:P
19:22:22 DP14 PERS-ID   3C4C [redacted]>WILGUS PAUL A/2036
19:22:23 K169 EMERGNCY  3D62
19:22:24 K064 CLEAR     3H73 HAN
19:22:24 K328 BACK-ENR  3D62 3D44C:P
19:22:24 K328 PERS-ID   3D44C <[redacted]>PRIETO LUIS E/2458
19:22:30 K253 BACK-ENR  3C170 3C76:P
19:22:30 K253 PERS-ID   3C76 <[redacted]>MARTINEZ EDDIEBERTO/4190 [redacted]>PASHBY
                        MATHEW J/1575
19:22:39 DP10 MISC      3D62, NOM TO C33 BUTTON
19:22:44 DP05 SUPP      TX:RP HAS NOW PARKED ON FOLSOM/RIPLEY TO BE SAFE
                        .....WILL 909 W/ PD ....IS IN A [redacted]
                        ..WILL WAIT FOR PD
19:22:54 K145 MISC      3I13D, SHUT DOWN CODE 3
19:22:59 DP13 MISC      3H109, CALLING DOC NOW. NEED 1 UNIT TO STAY AT BOTTOM OF
                        HILL
19:23:12 DP10 BACK-ENR  3H109 3D45C:P
19:23:12 DP10 PERS-ID   3D45C [redacted]>CUNNINGHAM, BLAKE/4264 [redacted]>KELLY BRIAN
                        M/1019
19:23:22 DP13 MISC      3C11D, 97 AT BOTTOM OF HILL. CLOSING IT OFF. SFFD WILL
                        BE ABLE TO ACCESS
19:23:50 DP13 BACK-ENR  3H109 3H135:S
19:23:50 DP13 PERS-ID   3H135 <[redacted]>ALVAREZ MELONEE A/0019
19:23:50 DP10 ONSCENE   3D11D
19:24:02 DP13 CHGLOC    3H135 FOLSOM ST/RIPLEY ST,SF, TO MAKE 909
19:24:31 DP09 BACK-ONS  5A55H 3D203:S 3D104:S
19:24:31 DP09 PERS-ID   3D203 <[redacted]>HOFSASS PAMELA M/2184
19:24:31 DP09 PERS-ID   3D104 [redacted]>SHEEHAN JOHN P/0550
19:24:35 DP09 MISC      5A55H, CERT RESPONDING
19:24:46 K076 CLEAR     3D74 HAN
19:24:57 DP13 MISC      3H109, MISSION TO HANDLE A'S & B'S TFN
19:25:09 DP13 BACK-ENR  3H135 3I16D:P
19:25:09 DP13 PERS-ID   3I16D [redacted]>DEJESUS PETER KENT C/1992 <[redacted]>LABSON
                        RODRIGO J/1955
19:25:12 DP13 ONSCENE   3I16D, W/ 909
19:25:21 DP09 MISC      3H104, KEEP FIRE LANE OPEN DONT BLOCK THE ST
19:25:22 K328 ONSCENE   3D44C
19:25:26 DP13 MISC      KEEP FIRE LANE OPEN
19:25:38 DP10 BACK-ENR  3H109 3H105:S
19:25:38 DP10 PERS-ID   3H105 [redacted]>WALKER JR ROBERT L/1121
19:25:45 DP09 MISC      3H105, HAS ORIGINAL 909
19:25:57 DP10 BACK-ENR  3H109 3D15D:P
19:25:57 DP10 PERS-ID   3D15D [redacted]>NANTROUP JESSICA L/2351 <[redacted]>MARTIN
                        BRANDON W/1445
19:25:58 DP13 MISC      PER FD CAD #310: B06, E11, T11 97
19:26:02 K069 ONSCENE   3C60
19:26:07 DP13 MISC      PER FD CAD #310: M89 97
19:26:37 SU03 MISC      DOC WAS NOTIFIED
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19:26:49 DP13 MISC      3C11D, ROAD NEEDS TO BE CLOSED OFF FOLSOM INTO THE PARK
19:27:21 DP13 BACK-ENR  3H109 3X302:UN
19:27:21 DP13 PERS-ID   3X302 <[redacted]>OSUNA MARK B/2141
19:27:53 DP19 SUPP      RP:[redacted] X\[redacted] PH:[redacted]\TX:911 DROP,
                        ON CB, SAW PD TALKING TO SUBJ, WAS TOLD TO NOT GO UP ON
                        HILL BECAUSE THERE WAS A 221 UP THERE, DID NOT SEE
                        ANYTHING [redacted]
19:28:02 DP09 BACK-ONS  3H4C 3H1C:P, NTFY MUNI 67 LINE REROUTED
19:28:02 DP09 PERS-ID   3H1C <[redacted]>LIM OLIVER N/2001
19:28:06 DP13 MISC      3C60, CLOSING OFF EAST SIDE OF PARK
19:28:29 DP13 BACK-ONS  3H104 3H13D:P
19:28:29 DP13 PERS-ID   3H13D <[redacted]>GONZALEZ MIGUEL B/1876
19:28:31 K253 CLEAR     3C76 HAN
19:28:31 DP13 CHGLOC    3H13D CO H,SF, W/ 2 909'S, PER 3H105
19:29:12 DP09 MISC      3H1C, MUNI NTFD
19:29:16 DP13 DSPINFO   3C60 BERNAL HEIGHTS - EAST
19:29:47 DP13 CLEAR     3D45C
19:31:18 K048 ONSCENE   3C170
19:31:19 DP13 MISC      5A55H, UNIT TO CANVAS AREA FOR WITNESSES
19:32:12 DP13 MISC      5A55H, UNIT TO WALK UP FROM SOUTH ENTRANCE & 909'S UP ON
                        HIGH GROUND WHO MAY HAVE WITNESSED THIS
19:33:16 DP09 MISC      3H135, COMMAND POST?
19:33:22 DP05 MISC      ALL UNITS ON THIS SWITCH TO A12
19:33:44 DP13 MISC      COMMAND POST AT VEH 125
19:33:46 DP05 MISC      3H109, CMD POST AT VEH 125 ON THE ROAD WILL BE THE CMD
                        POST #5891717
19:34:21 K169 CLEAR     3D62 ND
19:34:23 DP09 MISC      3H135, VEH 125 COMMAND POST PHONE [redacted]
19:34:29 DP05 MISC      3H109, ACK'D A12 IS NOW THEIR CHNL
19:34:45 DP05 MISC      ****BC'ED ON AN ALL FOR THIS UNITS TO REVERT TO
                        A12**********
19:35:23 DP13 MISC      3H109, WILL ADJUST COMMAND POST & ADVISE
19:35:24 DP05 MISC      3H109, CELL PHONE# IS [redacted] FOR THE CMD POST
19:35:30 DP13 CLOC-ONS  3H1C FOLSOM ST/RIPLEY ST,SF, W/ 1 909
19:35:36 DP13 MISC      3H13D, CORRECTION: TX'D 1 909 TO CO H
19:35:43 K145 MISC      3I13D, 97 BLOCKING EB TRAFFIC AT BERNAL HEIGHTS AND
                        ANDERSON ST
19:36:07 DP13 MISC      3D15D, 909 SAW 94 TAURUS, BLK, W/ 2 LMA'S ABD... FLEEING
                        BERNAL HEIGHTS BL, UNK DIRECTION FROM THERE
19:36:33 DP13 MISC      3D13D, 98 W/ CRIME SCENE LOG
19:37:16 DP09 MISC      3D15D, PUT DOWN INFO ON AN ALL
19:37:28 DP13 MISC      SEND MEDIA TO TOP OF FOLSOM WHERE IT MEETS BERNAL
                        HEIGHTS RD
19:37:39 DP05 MISC      3I16D, MEDIA IS 97 WHERE DOES 3H109 WANT THEM SET UP?
19:39:24 DP08 CHGLOC    3H15D CO H,SF, PER LL
19:40:09 DP13 MISC      3H109, COMMAND POST NOW AT SILVER CROWN VIC NEXT TO PARK
                        BENCH INSIDE BERNAL HEIGHTS PARK
19:40:43 K341 CLEAR     3C14D ND
19:40:48 DP14 CLEAR     3D11D
19:41:00 K047 ONSCENE   3C4C
19:41:45 DP13 BACK-ENR  3H109 3H112:S
19:41:45 DP13 PERS-ID   3H112 <[redacted]>CHAN LAWRENCE T/1484
19:41:54 DP13 ONSCENE   3H203
19:42:02 DP13 MISC      3H203, AT CRIME SCENE
19:42:26 DP13 ONSCENE   3C11D
19:42:31 DP13 ONSCENE   3X302
19:42:54 DP09 ONSCENE   3H10
19:42:54 DP09 ONSCENE   3H13C
19:42:54 DP09 ONSCENE   3H35
19:42:54 DP09 ONSCENE   3H75
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19:42:54 DP09 ONSCENE  3H105
19:42:54 DP09 ONSCENE  3H112
19:42:54 DP09 ONSCENE  3H135
19:43:02 DP09 ONSCENE  3I13D
19:43:03 DP13 CLOC-ONS 3C11D FOLSOM ST/BERNAL HEIGHTS BL,SF
19:43:08 DP09 ONSCENE  5A55H
19:43:14 DP09 ONSCENE  3H4C
19:43:14 DP09 ONSCENE  3H5C
19:43:27 DP13 MISC     3H11D, 97 UP ON THE HILL
19:43:31 SU04 MISC     3X302, DOC REQ ON ALL FOR ANY ON DUTY CIRT OFFICERS TO
                       RESP ON SCENE..ADV TO REVERT TO A12
19:43:42 DP09 CHGLOC   3H5C CO H,SF, ORIGINAL CALLER
19:44:59 DP13 BACK-ONS 3H109 4T201:UN
19:44:59 DP13 PERS-ID  4T201 [redacted]>MAR GLENN D/1829
19:45:14 DP13 MISC     3C11D, DIRECTING UNITS TO THE COMMAND POST, UP THE FIRE
                       ROAD
19:46:27 DP13 BACK-ONS 3H109 5X102:UN
19:46:47 DP11 BACK-ENR 5A52A:S
19:46:52 DP13 MISC     3I16D, WE ARE THE ONLY UNITS 97 AT THE BOTTOM, AND WE
                       ARE 97 W/ THE MEDIA
19:47:29 DP05 BACK-ENR 3H109 3H300:S
19:48:31 DP13 MISC     3C11D, MAIN ENTRANCE IS ACCESSIBLE TO COMMAND POST.
                       3X500: NO OTHER VEH TO COMMAND POST UNTIL APPROVED
19:48:53 DP13 CLOC-ONS 3D13D BERNAL HEIGHTS BL/FOLSOM ST,SF, BLOCKING TRAFFIC
19:49:25 DP13 MISC     3D15D, WAS BLOCKING TRAFFIC, BUT WILL BE HEADING
                       SOMEWHERE ELSE TO ASSIST
19:50:03 DP05 MISC     3H13C, BC ON DUTY CERT PEOPLE TO 901 [redacted]
19:50:13 DP13 BACK-ONS 3H109 5V105:UN
19:50:13 DP13 PERS-ID  5V105 [redacted]>RIVERA GABRIEL J/2296
19:50:13 DP10 CLEAR    5V105
19:50:17 DP10 BACK-ENR 3H109 5V105:UN
19:50:17 DP10 PERS-ID  5V105 [redacted]>RIVERA GABRIEL J/2296
19:50:36 DP13 DSPINFO  3H1C BERNAL COMMAND POST
19:51:11 DP13 DSPINFO  3H4C BERNAL HEIGHTS - WEST SIDE, OTHER SIDE OF BERNAL
                       HEIGHTS
19:52:12 DP13 MISC     3H203, 2 RADIO CARS TO COMMAND POST
19:52:39 DP13 MISC     3C11D, SUV AND BLK & WHI 98 TO COMMAND POST NOW
19:52:47 DP13 DSPINFO  3H1C BERNAL COMMAND POST
19:52:54 DP13 BACK-ONS 3H1C 3D11D:P
19:52:54 DP13 PERS-ID  3D11D <[redacted]>ABAUNZA ALVAROC/4239 <[redacted]>BUCKLEY
                       NICHOLAS C/1537
19:53:19 DP13 CLOC-ONS 3H10 RIPLEY ST/ALABAMA ST,SF, NORTH SIDE
19:53:51 DP13 DSPINFO  3H11D BERNAL HEIGHTS - ON HILL
19:54:24 K069 CLEAR    3C60 ND
19:54:49 DP13 CLOC-ONS 3H16D CO H,SF
19:55:17 DP14 PREEMPT  3C11D
19:55:21 DP13 CLOC-ONS 3H35 CO H,SF, PER 3H16D
19:55:55 DP13 MISC     3H74, HALF 3H74 97 AT CO H, OTHER HALF 98 BACK TO BERNAL
                       HEIGHTS PARK
19:56:14 DP13 CLEAR    3H75, NO 3H75 WORKING TODAY
19:56:34 DP13 CLOC-ONS 3I13D BERNAL HEIGHTS BL/ANDERSON ST
19:56:40 DP13 MISC     3I13D, BLOCKING TRAFFIC
19:57:59 DP13 MISC     3H109, NEED OFFICERS TO WEST SIDE OF CRIME SCENE &
                       SEARCH FOR ANY UNINTENDED VICTIMS AS RESULT OF GUNFIRE
                       TRAVELLING PAST INTENDED TARGET. ALSO TO CHECK FOR
                       DAMAGE TO HOUSES.
19:58:41 DP13 ONSCENE  3H5C
19:58 ?  DP13 ENROUTE  3H5C, WILL CANVAS WEST SIDE
19:59:31 DP13 REQCC    140240512 assigned
20:00:43 DP10 PREEMPT  5V105
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20:01 ?	DP13	ENROUTE	3H10, WILL CANVAS WEST SIDE
20:02:32	DP13	MISC	3H112, ACCESS TRAFFIC SITUATION. IF VEHICLES CAN GET BY WITHOUT INTERFERING W/ PD OPERATIONS, LET THEM BY. NO CIVILIANS ALLOWED INTO BERNAL HEIGHTS PARK.
[redacted]:02:53	DP13	MISC	3H11D, AFTER CLEARING ROAD, WILL BE ABLE TO ASSIST W/ CANVASSING WEST SIDE
20:05:29	DP10	CLEAR	3C4C
20:05:49	DP05	ONSCENE	3H300
20:06:01	DP13	CHGLOC	3H5C BERNAL HEIGHTS PARK,SF
20:06:22	DP13	MISC	3X302, SFFD LAMP TRUCK TO CRIME SCENE, ACCESS FROM FOLSOM/BERNAL HEIGHTS RD
20:09:14	DP13	MISC	PARK RANGER 98 ON FOOT
20:11:28	DP13	MISC	3X302, CHECK W/ DPW FOR LAMPS
20:13:12	SU04	MISC	DEM1 PAGE SENT AT 19:39
20:13 ?	DP13	ONSCENE	3H13D
20:13 ?	DP13	ONSCENE	3H15D
20:13:51	SU03	MISC	DEM1 UPDATE SENT/RASKIN
20:14:12	DP10	BACK-ENR	3C170 3C11D:P
20:14:12	DP10	PERS-ID	3C11D <[redacted]>WISE RICHARD J/4208 [redacted]>GUZMAN DANIEL E/2066
20:14:23	DP10	CHGLOC	3C11D FOLSOM ST/BERNAL HEIGHTS BL,SF, TO PICK UP MY PARTNER
20:14:45	DP13	MISC	CSI 97
20:15:35	DP34	SUPP	TX:EXTENDED ETA FOR THE FD LIGHT UNIT...TRANSPORTING APARATUS IS ON A REP OF SIB
20:15:59	DP13	MISC	3X302, ALL PERSONNEL AT THE SCENE: IF NOT NEEDED,CHECK IN W/ COMMAND POST & GO BACK IN SERVICE
20:17:15	DP14	PREEMPT	3D11D
20:18:16	DP13	MISC	CSI CARAVANING UP THE HILL NOW
[redacted]:19:28	DP13	MISC	410 W/ UTILITY UNIT, FD CAD #323
[redacted]:19:31	DP10	PREEMPT	3D15D
20:20:17	DP05	CLEAR	3H35
20:20:33	DP13	RCONTACT	3X302, ACK'D 410 W/ LAMPS
20:21:58	DP13	CLEAR	4T201
20:24:29	DP14	CLEAR	3D203
20:24:35	DP14	BACK-ONS	3D104 3D101:S
20:24:35	DP14	PERS-ID	3D101 <[redacted]>STEGER NATHANIEL B/2252
20:24:37	DP14	CLEAR	3D104
20:24:40	DP14	CLEAR	3D101
20:26:29	DP05	BACK-ENR	5X109:UN
20:26:34	DP05	MISC	5X109, 98 FROM HOJ
20:31:04	DP13	CLEAR	3C170, CLEARING FROM CRIME SCENE, HEADING BACK TO BAYVIEW
20:36:35	DP13	MISC	3I16D, E21 97 W/ LIGHTING UNIT
20:36:50	DP13	MISC	3H203, HAVE E21 905 AT COMMAND POST
20:37:05	DP13	MISC	3H203, HAVE E21 MAKE A RIGHT WHEN THEY COME UP TO THE COMMAND POST
20:37:59	DP13	BACK-ONS	3H203 1E203:UN
20:42:27	K350	MISC	3C11D, REG MASK: QUERY 1: [redacted]QUERY 2: [redacted]QUERY 3: [redacted]UE-RY 4: [redacted]
20:54:31	DP13	MISC	M.E. 97
20:57:53	DP05	MISC	3H11D, ADV CO H UNITW WHO WERE ACTUALLY INVOLVED ON THE OIS, THAT THE COVER PAGE IS UP AND TO BEGIN THEIR STATEMENT
[redacted]:58:45	DP13	MISC	BC'D ABOVE INFO ON A12
21:02:13	DP15	CLEAR	5A52A
21:06:35	DP13	MISC	3H203, NEED A12 FOR ANOTHER HALF HOUR.
21:10 ?	DP13	ONSCENE	3C11D
21:12:50	DP13	BACK-ENR	3D13D 3D91:P, TO RELIEVE 3D13D

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21:12:58 DP13 MISC      3D13D, 97 ON EAST OF PARK
21:13:04 DP17 BACK-ONS  3H203 4C1:UN, 4C1 SHOW ME 97 ON THE OIS
21:13:18 K350 MISC      3C11D, REG MASK: QUERY 1: [redacted]QUERY 2:
                        [redacted]QUERY 3: [redacted]
                        RY 4: [redacted]
21:14:18 DP10 MISC      3D91, TO RELIEVE 3D13D
21:14:28 K350 MISC      3C11D, MONSTR MASK: QUERY 1: [redacted]
                        [redacted]QUERY 2:
                        *QN/NAME:[redacted]QUERY 3
                        [redacted]
                        [redacted]QUERY 4: [redacted]
                        [redacted]QUERY 5
                        [redacted]
21:15:06 K350 MISC      3C11D, MONSTR MASK: QUERY 1: [redacted]
                        [redacted]QUERY 2:
                        *QN/NAME:[redacted]QUERY 3
                        [redacted]
                        [redacted].APP/YQUERY 4: [redacted]
                        [redacted]QUERY 5
                        [redacted]
21:22:37 DP17 ONSCENE   5X109
21:24:53 DP13 CLEAR     3X302
21:27:16 DP13 MISC      3H203, CLEAR A12. ALL UNITS TO REVERT BACK TO A8
21:30:44 DP13 MISC      3C11D, REQ'ING AVAIL OR OVERFLOW CO H UNITS TO RELEIVE
                        US
21:31:01 DP13 MISC      3C11D, COME TO THE TOP OF THE HILL NEXT TO THE MEDIA VAN
21:31:03 DP13 BACK-ENR  3C11D 3H11E:P
21:31:03 DP13 PERS-ID   3H11E <[redacted]>MCMILTON MEAGHAN M/2347 [redacted]>PEREGRINA
                        MARIA J/2266
21:32:43 DP13 CHGLOC    3H300 CO H,SF
21:35:09 DP13 MISC      3H203, ADV ALL UNITS ON PERMITER, NOT RELEASED UNTIL ADV
21:35:16 DP13 MISC      3C11D, COPIES
21:36:48 DP13 MISC      3C11D, HAVE 2 BAYVIEW UNITS DOING TRAFFIC, NTFY 200
21:37:20 DP13 MISC      3C11D, 3C204 NTFY'D
21:40:29 K014 CLEAR     3H11E 22
21:58:14 DP14 PREEMPT   3C11D
22:02:11 DP09 CLEAR     3I16D
22:02:30 DP13 MISC      3H203, ALL UNITS ON THE PERMITER HAVE BEEN
22:27:02 DP17 NOCONTCT  4C1
22:32:09 K144 BACK-ENR  3H13D 3C4E:P
22:32:09 K144 PERS-ID   3C4E <[redacted]>EASTLUND ERIC G/1318
22:45:44 DP09 BACK-ENR  3H203 3H15E:P, 98 TO COMMAND POST
22:45:44 DP09 PERS-ID   3H15E [redacted]>GARON FERMO JAMIE L/1684
                        <A10738>HAUSCARRIAGUE TOM L/2332
23:09:36 K045 BACK-ENR  3D91 3D11E:P
23:09:36 K045 PERS-ID   3D11E [redacted]>POESPOWIDJOJO BUDIMAN R/4373
                        <A09157>HANSEN GARED D/2095
23:09:43 DP14 BACK-ONS  3H1C 3H35:P
23:09:43 DP14 PERS-ID   3H35 <[redacted]>QUINTERO JUSTIN J/1473 <[redacted]>THOMPSON
                        DACK O/1292
23:09:58 DP14 CHGLOC    3H35 HOJ,SF, F/U W/ INVESTIGATORS
23:16:12 K144 ONSCENE   3C4E
23:17:10 DP13 ONSCENE   3H10
23:17:12 DP13 ONSCENE   3H5C
23:17:23 DP13 ONSCENE   3D91
23:24:59 DP13 CLOC-ONS  3D11E BERNAL HEIGHTS BL/BRADFORD ST, RELIEVED 3D91
23:25:06 DP13 CLEAR     3D91 HAN
23:28:49 K144 ACKUNIT   3C4E
23:39:44 DP09 BACK-ONS  3H135 3H73:P
23:54:55 DP09 CLEAR     3H1C HAN
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23:56:33 K045 ACKUNIT  3D11E
23:57:09 DP13 CLEAR    3D11E HAN, BEEN RELEASED FROM POST GOING BACK TO
                       DISTRICT

[redacted]/22/14
00:06:17 K350 BACK-ENR 3C4E 3C11D:P
00:06:17 K350 PERS-ID  3C11D [redacted]>WISE RICHARD J/4208 <[redacted]>GUZMAN DANIEL
                       E/2066
00:06:29 K350 CLEAR    3C11D HAN
00:09:55 K333 MISC     3H109, SFPDMDCCMDLINE MASK: QUERY 1: [redacted]
                       [redacted]QUERY 2: [redacted]<[redacted]QUERY 3
                       [redacted]QUERY 4: [redacted]
00:31:22 DP13 BACK-ENR 3H11D 3H11E:P
00:31:22 DP13 PERS-ID  3H11E <[redacted]>MCMILTON MEAGHAN M/2347 <[redacted]>PEREGRINA
                       MARIA J/2266
00:31:50 DP09 PREEMPT  3H11E
00:32:26 DP09 BACK-ENR 3H104 3H11E:P
00:32:26 DP09 PERS-ID  3H11E [redacted]>MCMILTON MEAGHAN M/2347 [redacted]>PEREGRINA
                       MARIA J/2266
00:35:38 K014 ONSCENE  3H11E
00:42:31 DP13 PREEMPT  3H13D
00:49:41 DP13 MISC     3I13D, FIRE TRUCK COMING YOUR WAY , ONCE FIRE TRUCK
                       CLEARS YOU CAN GOT 10-8
00:49:54 DP13 MISC     3C4E, CAN CLEAR PER 3H109
00:49:58 DP13 CLEAR    3C4E HAN
00:51:05 K145 CLEAR    3I13D HAN
01:04:18 DP10 CLEAR    3D44C
01:09:02 DP13 MISC     3H109, CRIME SCENE COMPLETE 10-7, COMMAND POST 10-7. ALL
                       UNITS CLEAR OR BACK AT CO
[redacted]:09:11 DP13 CLEAR    4C1 ND
[redacted]:09:51 DP13 CLEAR    1E203 ND
01:10:03 DP13 MISC     3H15E, CHECKING GATES
01:10:22 DP13 CLOC-ONS 3D13D CO D,SF, PER 3H109 ALL UNITS BACK AT CO
01:10:34 DP13 CLEAR    3H4C ND
01:11:06 DP13 CLEAR    3H5C ND
01:11:13 DP14 BACK-ENR 3D13D 3D11E:P
01:11:13 DP14 PERS-ID  3D11E <[redacted]>POESPOWIDJOJO BUDIMAN R/4373
                       <[redacted]>HANSEN GARED D/2095
01:11:43 DP13 CLEAR    3H10
01:11:45 DP14 CLEAR    3D11E
01:11:50 DP13 CLOC-ONS 3H11D CO H,SF
01:11:56 DP13 CLOC-ONS 3H11E CO H,SF
01:12:01 DP13 CLEAR    3H13C ND
01:12:48 DP09 CLEAR    3H11E ND
01:13:39 DP13 CLEAR    3H35 ND
01:13:44 DP13 CLEAR    3H73 ND
01:13:50 DP13 CLOC-ONS 3H74 CO H,SF
01:13:54 DP13 CLEAR    3H104 ND
01:14:00 DP13 CLEAR    3H105 ND
01:14:13 DP13 CLOC-ONS 3H109 CO H,SF
01:14:21 DP13 CLEAR    3H112 ND
01:14:27 DP13 CLEAR    3H135 ND
01:14:33 DP13 CLEAR    3H203 ND
01:14:38 DP13 CLEAR    3H300 ND
01:14:49 DP13 CLOC-ONS 5A55H CO H,SF
[redacted]:14:57 DP13 CLOC-ONS 5X102 CO H,SF
01:15:03 DP13 CLEAR    5X109 ND
01:15:13 DP14 MISC     3D13D, 17/GUERREO 216S?
01:15:45 DP14 MISC     3D13D, POSS FWS ONLY, NEG ON SHOTSPOYYER
01:16:19 K061 BACK-ENR 3D13D 3D15E:P
```

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DO NOT DUPLICATE
Dept. of Emergency Management
City & County of San Francisco

SFDPA - 0179-14 - 000433

```
01:16:19 K061 PERS-ID  3D15E <[redacted]>MACCHI PATRICK/1598 <[redacted]WILSON GLEN
                       M/0627
01:16:29 K061 CLEAR    3D15E HAN
01:16:47 DP14 MISC     3D13D, SPOKE TO 909, WAS FWS C4
01:18:25 DP09 ONSCENE  3H15E, GATE LOCKED BUT NOT SECURE..PADLOCK IS
                       LOCKED..GATE NOT CLOSE..901 PARK PD
01:19:04 K241 CLEAR    3H16D ND
01:22:01 DP09 MISC     242-6390 PARK PATROL WILL SEND SOMEONE OUT
02:06:02 DP14 CLEAR    3D13D
02:24:06 DP15 PREEMPT  5X102
02:39:21 DP13 CLEAR    3H109 ND
02:54:49 DP13 CLEAR    3H15E ND
03:06:39 DP09 MISC     3H11D, STILL 97 PER CO H
03:06:44 DP09 CLEAR    3H15D HAN, 7E PER CO H
03:09:01 DP09 CLEAR    5A55H HAN, 7E PER CO H
06:13:51 DP09 CLEAR    3H11D
07:04:33 DP09 CLEAR    3H74
07:04:33 DP09 CLOSE

Call Recap:
INITIATE:    19:09:31 03/21/14   CALL NUMBER:      #2955
ENTRY:       19:11:47            CURRENT STATUS:   CLOSED
DISPATCH:    19:12:16            PRIMARY UNIT:     3H104
ON SCENE:    19:15:36            CASE NUMBER:      140240512
CLOSE:       07:04:33 03/22/14   DISPOSITION:      HAN
LOCATION: BERNAL HEIGHTS PARK,SF (251 BERNAL HEIGHTS BL)
DAREA:     3H
SECTOR:    H1                    TYPE:  221     PERSON WITH GUN
RA:        863                   PRIORITY:  A
TRE:       5663                  PRIOR HISTORY

OPERATOR ASSIGNMENTS:  DP05
                       DP17
                       DP13
                       K288
                       K042
                       K241
                       DP10
                       K310
      AS OF 19:15:36:  DP13
                       K030
                       DP09
                       K145
                       K064
                       K076
                       DP14
                       SU02
                       K108
                       K106
                       DP03
                       K167
                       SU03
                       K169
                       K328
                       K253
                       K069
                       DP19
                       K048
      AS OF 19:33:22:  DP05
```

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City & County of San Francisco

	DP08	[redacted]
	K341	[redacted]
	K047	[redacted]
	SU04	[redacted]
	DP11	[redacted]
AS OF 19:55:17:	DP14	[redacted]
AS OF 20:05:49:	DP05	[redacted]
AS OF 20:13:51:	SU03	[redacted]
	DP34	[redacted]
AS OF 20:17:15:	DP14	[redacted]
	K350	[redacted]
	DP15	[redacted]
AS OF 21:13:04:	DP17	[redacted]
AS OF 21:14:18:	DP10	[redacted]
AS OF 21:30:44:	DP13	[redacted]
AS OF 21:32:43:	DP13	[redacted]
	K014	[redacted]
AS OF 21:58:14:	DP14	[redacted]
AS OF 22:02:11:	DP09	[redacted]
AS OF 22:02:30:	DP13	[redacted]
AS OF 22:27:02:	DP17	[redacted]
AS OF 07:04:33:	DP09	[redacted]

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City & County of San Francisco

SFDPA - 0179-14 - 000435

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

DATE: March 28, 2014

TO: San Francisco Department of Emergency Management (DEM),
Attention: Custodian of Records, 1011 Turk Street, San Francisco 94102
FAX: 558-3869

MAR 27 2014

FROM: Helen Calderon
OCC Investigator

SUBJECT: Request for Communications Data

OCC CASE #: 179-14

CAD # 140802955

I am currently investigating an O.C.C. complaint. I would like to review the data described as follows:

DATE: 3/21/14 **TIME:** 19:11:47

MATERIAL REQUESTED: I would like a copy of CAD recording

DEPT. OF EMERGENCY MANAGEMENT
2014 MAR 28 AM 11:08

DESCRIPTION OF THE INCIDENT: 221 "Person with a gun" Shooting

I would appreciate receipt of the above data as soon as possible. Thank you for your cooperation. Please call me if you have any questions. I can be reached at (415) 241-7711.

SFDPA - 0179-14 - 000436

ON DUTY: 15:00:13 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:13:54 03/22/2014 VEHICLE: B1247
Ingleside Station - Patrol Sergeant

RADIO: 1:

ID # 1 [redacted] SAWYER,JASON C

03/21/2014

15:00:13	SLON	ON-DUTY	ID[redacted]NAME:SAWYER JASON C/1127 BEAT:H0 VEHICLE:B1247
17:06:05	DP13	BACK-ONS	[redacted]
17:12:22	DP13	CLEAR	HAN
18:19:22	K071	OPER-ON	[redacted]
18:49:42	K071	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:50:25	DP09	TFC-STOP	[redacted]
18:54:03	K071	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted] QUERY 6: [redacted] QUERY 7: [redacted] L1[redacted]
18:55:47	K071	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
18:59:13	K071	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
19:10:45	K071	CLEAR	CIT
19:12:16	DP13	DISP-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:15:36	DP13	ONSCENE	IAO
19:15:53	DP13	MISC	97 ON ANDERSON SIDE, WILL SEARCH IAO
19:18:05	DP13	MISC	IS SUBJ WALKING ON PATH INSIDE PARK OR OUTSIDE ON THE OUT ER RIM?

SFDPA - 0179-14 - 000437

19:18:52	DP09	MISC	SHOTS FIRED
19:19:09	DP09	MISC	OFFICER INV 217
19:19:15	DP13	MISC	OFFICER INVOLVED 217
19:20:06	DP09	MISC	SIC CODE 3 BERNAL HEIGHTS FOLSOM
19:20:18	DP09	MISC	NO OFFICERS INJURED SUSP IS DOWN SHOT
19:20:22	DP13	MISC	SUSP DOWN. NO OFFICERS INJURED
19:20:24	DP09	MISC	NTFY 200
19:20:51	DP09	MISC	RESP TAKE FOLSOM FROM ARMY
19:21:09	DP09	MISC	ONE SUSP ONLY SCENE CONTAINED
19:21:13	DP13	MISC	1 SUSP ONLY CONTAINED
19:22:07	DP09	MISC	BLOCK OFF FOOT TRAFFIC BOTTOM OF THE HILL
19:25:21	DP09	MISC	KEEP FIRE LANE OPEN DONT BLOCK THE ST

OPERATOR ASSIGNMENTS:

DP13
K071
DP09

AS OF 19:12:16 DP13
AS OF 19:15:36 DP13
AS OF 19:18:52 DP09

ON DUTY: 15:00:15 03/20/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:00:05 03/21/2014 VEHICLE: B1247
Ingleside Station - Patrol Sergeant

RADIO: 1:

ID # 1 [redacted] SAWYER,JASON C

03/21/2014

01:00:05 SLON OFF-DUTY

OPERATOR ASSIGNMENTS:

SFDPA - 0179-14 - 000438

ON DUTY: 16:00:56 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 03:06:44 03/22/2014 VEHICLE: B1214
Ingleside Station - Motorized Patrol
RADIO: 1:00013294 2: 00015990 00017866

ID # 1 [redacted] MORSE,ROGER C

03/21/2014

16:00:56	SLON	ON-DUTY	ID[redacted] NAME:MORSE ROGER C/1923 BEAT:H5 VEHICLE:B1214 R ADIO:00013294/00015990/00017866
16:16:38	K042	OPER-ON	[redacted]
16:21:23	DP09	DISP-ENR	[redacted]
16:43:00	K042	MISC	[redacted]
17:04:30	K042	ONSCENE	
17:06:39	DP09	CODE-4	SUBJ GOA
17:07:49	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:08:39	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:14:05	K042	CLEAR	GOA
17:14:42	K042	OUT	[redacted]
17:41:52	K042	CLEAR	HAN
17:50:37	DP09	DISP-ENR	[redacted]
17:54:59	DP09	ONSCENE	
17:55:12	DP09	ENROUTE	
18:00:02	SLON	SCHD-OFF	
18:00:05	SLON	MOD-LGON	ID[redacted] NAME:MORSE ROGER C/1923 ID[redacted] NAME:CHEW NAT HAN L/2088 VEHICLE:B1214 RADIO:00013294/00016449/00015990/00017866
18:05:12	K042	OPER-ON	[redacted]
18:05:16	K042	ONSCENE	
18:14:14	DP09	PREEMPT	
18:14:14	DP09	DISP-ENR	[redacted]
18:15:55	K042	ONSCENE	
18:18:13	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:21:58	K042	CLEAR	ADV
18:22:14	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:23:41	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY

SFDPA - 0179-14 - 000439

			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:35:36	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:37:11	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:53:34	K042	ON-VIEW	140802895 B/421 240 BLYTHDALE AV
19:03:10	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
19:04:07	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
19:05:38	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
19:10:07	K042	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
19:12:33	K042	PREEMPT	
19:12:33	K042	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:39:24	DP08	CHGLOC	CO H,SF, PER LL
20:13:37	DP13	ONSCENE	

OPERATOR ASSIGNMENTS:

	K042	[redacted]
	DP09	[redacted]
AS OF 17:06:39	DP09	[redacted]
AS OF 18:05:12	K042	[redacted]
AS OF 18:14:14	DP09	[redacted]
	DP08	[redacted]
	DP13	[redacted]

ON DUTY: 16:01:04 03/20/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 02:00:07 03/21/2014 VEHICLE: B1214
Ingleside Station - Motorized Patrol

RADIO: 1:00015328 2: 00015990 00017866

ID # 1 [redacted] CANNING, MICHAEL A ID # 2 [redacted] CUENCA,JEFFREY V

03/21/2014

00:00:25	DP09	DISP-ENR	[redacted]
00:04:14	K241	CLEAR	ABA, 418 VERBAL ONLY
00:32:01	K241	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY

SFDPA - 0179-14 - 000440

			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
00:34:53	DP09	TFC-STOP	[redacted]
00:35:08	K241	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
00:36:04	K241	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
00:43:02	K241	CLEAR	CIT
00:44:01	K241	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
00:46:40	K241	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
00:48:34	K241	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
00:54:31	K241	OPER-OFF	[redacted]
02:00:07	SLON	OFF-DUTY	

OPERATOR ASSIGNMENTS:

DP09	[redacted]
K241	[redacted]
AS OF 00:34:53 DP09	[redacted]

SFDPA - 0179-14 - 000441

ON DUTY: 11:00:05 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:12:01 03/22/2014 VEHICLE: BW066
Ingleside Station - Motorized Patrol
RADIO: 1:00016462

ID # 1 [redacted] SCHIFF, RICHARD ID # 2 [redacted] FULGADO,SHAWN M

03/21/2014

11:00:05	SLON	ON-DUTY	ID[redacted] NAME:FULGADO SHAWN M/0809 ID:A[redacted] NAME:SCHIFF RICHARD/1968 BEAT:H3 VEHICLE:BW066 RADIO:00016462
11:20:46	DP09	ACKUNIT	
11:21:04	K167	OPER-ON	[redacted]
11:26:15	DP09	DISP-ENR	[redacted]
11:31:24	SU03	MISC	***DOC GARCIA ADV'D OF CALL***
11:35:57	K167	ONSCENE	
11:40:41	DP13	QUERY	Q LP 4DQS633
11:41:01	DP13	MISC	T42 MED 42 97
11:42:34	DP13	MISC	PT WILL BE TR TO KSS
11:52:12	K167	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
11:52:21	DP13	REQCC	[redacted]
11:57:12	K167	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
11:57:40	K167	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
13:49:42	DP09	CLOC-ONS	KSS
13:49:49	DP09	CHGLOC	CO H,SF, FROM KAISER SOUTHER SF
13:49:52	DP09	CHGLOC	CO H,SF, FROM KAISER SOUTH SF
14:34:09	K167	CLEAR	HAN
14:34:23	K167	OUT	[redacted]
15:27:49	SLON	MOD-LGON	ID[redacted] NAME:SCHIFF RICHARD/1968 ID[redacted] NAME:FULGADO SHAWN M/0809 VEHICLE:BW066
18:19:25	DP09	MISC	1/2 RIDING WITH 3H104
18:19:31	DP09	MOD-LGON	VEHICLE:BW066 SPEC-IND:S
18:26:03	K167	CLEAR	HAN
18:30:47	K167	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:32:17	K167	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]

SFDPA - 0179-14 - 000442

18:40:48	DP09	OUT	[redacted]
18:40:52	DP09	MOD-LGON	VEHICLE:BW066
18:48:49	K167	CLEAR	HAN
18:50:21	K167	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:55:18	K167	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
19:10:08	K167	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] 3 QUERY 3: [redacted] QUERY 4: [redacted]
19:11:03	DP13	TFC-STOP	[redacted]
19:13:27	K167	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted] QUERY 6: [redacted] QUERY 7: [redacted]
19:20:57	K167	CLEAR	CIT
19:21:04	K167	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:42:54	DP09	ONSCENE	
19:50:03	DP05	MISC	BC ON DUTY CERT PEOPLE TO [redacted]
21:00:08	SLON	SCHD-OFF	

OPERATOR ASSIGNMENTS:

	DP09
	K167
	SU03
	DP13
AS OF 11:52:21	DP13
AS OF 13:49:42	DP09
AS OF 18:19:25	DP09
AS OF 19:11:03	DP13
AS OF 19:42:54	DP09
	DP05

[redacted]

SFDPA - 0179-14 - 000443

ON DUTY: 09:09:27 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 09:32:49 03/21/2014 VEHICLE:
Offduty officer logon
RADIO: 1:

ID # 1

03/21/2014

09:09:27	DP09	ON-DUTY	BEAT:H0
09:09:28	DP09	ON-VIEW	[redacted] PAT TON
09:32:49	DP09	CLEAR	HAN
09:32:49	DP09	OFF-DUTY	

OPERATOR ASSIGNMENTS: DP09 A10510

ON DUTY: 09:34:50 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 11:27:55 03/21/2014 VEHICLE: B1054
Ingleside Station - Station Housing
RADIO: 1:00001239 2: 00014189 00015827

ID # 1 [redacted] UANG,STEVEN H ID # 2 [redacted] HOPKINS,BRIAN R

03/21/2014

09:34:50	DP09	ON-DUTY	BEAT:H0
09:35:13	DP09	MOD-LGON	ID[redacted] NAME:UANG STEVEN H/1299 ID[redacted] NAME:HOPKINS BRIAN R/0464 VEHICLE:B070 RADIO:00001239/00014189
09:35:29	K288	OPER-ON	[redacted]
10:00:04	DP13	BACK-ENR	[redacted]
10:04:14	K288	ONSCENE	
10:22:08	DP09	TRANSPRT	CO SFG, 1/2 RIDING W/THE MEDICS TO SFGH OTHER HALF FOLLOW ING
10:52:26	SLON	MOD-LGON	ID[redacted] NAME:HOPKINS BRIAN R/0464 VEHICLE:B1054 RADIO:0 0014189/00015827
10:59:59	SLON	SCHD-OFF	
11:00:08	SLON	MOD-LGON	ID[redacted] NAME:UANG STEVEN H/1299 ID[redacted] NAME:HOPKINS BRIAN R/0464 VEHICLE:B1054 RADIO:00001239/00014189/00015827
11:00:08	SLON	MOD-LGON	VEHICLE:B1054 RADIO:00001239/00014189/00015827
11:07:11	K288	OPER-ON	[redacted]
11:07:20	K288	CLEAR	HAN
11:27:55	SLON	OFF-DUTY	

SFDPA - 0179-14 - 000444

OPERATOR ASSIGNMENTS: DP09 [redacted]
K288
DP13

ON DUTY: 11:27:55 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 15:27:49 03/21/2014 VEHICLE: B1054
Ingleside Station - Station Housing
RADIO: 1:00001239 2: 00014189 00015827

ID # 1 [redacted] UANG,STEVEN H ID # 2 [redacted] HOPKINS,BRIAN R

03/21/2014

11:27:55	SLON	ON-DUTY	ID:[redacted] NAME:UANG STEVEN H/1299 ID[redacted] NAME:HOPKINS BRIAN R/0464 BEAT:H0 VEHICLE:B1054 RADIO:00001239/00014189/00015827
11:59:37	K288	OPER-ON	[redacted]
11:59:50	K288	OUT	[redacted]
13:13:09	K288	CLEAR	HAN
13:16:23	K288	ON-VIEW	[redacted]
13:19:47	K288	CLEAR	HAN
13:21:11	K288	ON-VIEW	[redacted]
13:24:33	K288	CLEAR	HAN
13:25:59	DP13	DISP-ONS	[redacted]
13:30:05	DP13	CODE-4	WALKTHROUGH MADE, RESIDENCE IS CLEAR
13:33:04	DP09	MISC	REVERSE
13:40:37	K288	MISC	WALK THRU CONDUCTED....PREMISE EMPTY....OWNER CAME HOME.. NOM TO 459
13:40:41	K288	CLEAR	NOM
13:47:09	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
13:55:37	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
13:56:05	DP13	TFC-STOP	[redacted]
13:57:50	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
14:05:55	K288	CLEAR	CIT, SUBJECT SIGNED IN SIGNATURE BOX "SIGNED UNDER DURESS

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			" THEN HIS NAME.....SUBJECT WAS HAPPY, SMILEY, AND IN A GOOD MOOD...SUBJECT SHOWED NO SIGNS OF DURESS...
14:08:11	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4 [redacted]
14:09:36	DP13	TFC-STOP	[redacted]
14:11:19	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
14:11:47	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
14:20:50	K288	CLEAR	CIT
15:27:49	SLON	OFF-DUTY	

OPERATOR ASSIGNMENTS: K288 [redacted] DP13 DP09

ON DUTY: 15:27:49 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 07:04:33 03/22/2014 VEHICLE: B1054
Ingleside Station - Station Housing
RADIO: 1:00001239 2: 00014189 3: 00015827

ID # 1 [redacted] UANG,STEVEN H ID # 2 [redacted] HOPKINS,BRIAN R
ID # 3 [redacted] UANG,STEVEN H ID # 4 [redacted] HOPKINS,BRIAN R

03/21/2014

15:27:49	SLON	ON-DUTY	ID [redacted] NAME:HOPKINS BRIAN R/0464 ID [redacted] NAME:UANG S TEVEN H/1299 BEAT:H0 VEHICLE:B1054 RADIO:00014189/00001239/00015827
15:27:49	SLON	MOD-LGON	VEHICLE:B1054 RADIO:00014189/00001239/00015827
15:50:03	K288	OPER-ON	[redacted]
17:05:49	DP13	BACK-ENR	[redacted]
17:08:37	K288	ONSCENE	
17:13:58	K288	CLEAR	HAN
17:18:38	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:19:29	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]

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17:32:52	K288	ON-VIEW	[redacted]
17:38:19	K288	CLEAR	HAN
17:40:07	K288	ON-VIEW	[redacted]
17:40:34	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:41:40	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:42:55	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:43:48	DP13	NEWLOC	LOCATION [redacted]
17:47:13	K288	CLEAR	HAN
18:28:58	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:29:12	K288	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
19:12:22	K288	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:16:21	K288	ONSCENE	
19:55:55	DP13	MISC	HALF 3H74 97 AT CO H, OTHER HALF 98 BACK TO BERNAL HEIGHT S PARK
19:56:00	DP13	MOD-LGON	VEHICLE:B1054 SPEC-IND:S
21:00:11	SLON	SCHD-OFF	
21:00:11	SLON	SCHD-OFF	
21:00:34	SLON	MOD-LGON	VEHICLE:B1054 RADIO:00014189/00001239/00015827
21:00:34	SLON	MOD-LGON	ID [redacted] NAME:UANG STEVEN H/1299 ID [redacted] NAME:HOPKINS BRIAN R/0464 ID [redacted] NAME:HOPKINS BRIAN R/0464 VEHICLE:B1054 RADIO:00001239/00014189/00015827
21:00:34	SLON	MOD-LGON	ID [redacted] NAME:UANG STEVEN H/1299
22:46:17	K288	OPER-ON	[redacted]
22:59:59	SLON	SCHD-OFF	

OPERATOR ASSIGNMENTS:		K288 [redacted]
		DP13
	AS OF 19:55:55	DP13
	AS OF 22:46:17	K288

SFDPA - 0179-14 - 000447

ON DUTY: 16:00:59 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 02:00:11 03/22/2014 VEHICLE: B1200
Ingleside Station - Motorized Patrol
RADIO: 1:00015348 2: 00015328 00016116

ID # 1 [redacted] CVETOVAC JR,JOHN ID # 2 [redacted] CUENCA,JEFFREY V

03/21/2014

16:00:59	SLON	ON-DUTY	ID[redacted] NAME:CUENCA JEFFREY V/0995 ID[redacted] NAME:CVETO VAC JR JOHN/2202 BEAT:H6 VEHICLE:B1200 RADIO:00015328/00015348/00016116
16:14:03	K241	OPER-ON	[redacted]
16:15:17	K241	OUT	[redacted]
16:17:29	DP09	PREEMPT	
16:17:29	DP09	DISP-ENR	[redacted]
16:18:02	K241	MISC	10-98 WITH SLIGHT DELAY.
16:20:39	K241	MISC	PREEMPTED OFF AND NEED TO HANDLE CAD 2312 PRIOR.
17:02:02	K241	ONSCENE	
17:04:55	DP13	MISC	OFFICE IS LOCKED UP
17:04:59	DP13	MISC	CB
17:07:58	DP13	MISC	JUST KEEPS RINGING NO ANSWER
17:08:03	DP13	CODE-4	GOA
17:09:09	K241	CLEAR	
17:24:20	K241	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:22:40	K241	OUT	[redacted]
18:34:26	K241	CLEAR	HAN
18:48:14	K241	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:48:24	DP09	DISP-ENR	[redacted]
18:48:38	DP13	CLEAR	HAN
19:04:25	DP09	DISP-ENR	[redacted]
19:12:36	K241	PREEMPT	
19:12:36	K241	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:17:00	K241	ONSCENE	
19:54:49	DP13	CLOC-ONS	CO H,SF
21:35:09	SLON	MOD-LGON	ID[redacted] NAME:CVETOVAC JR JOHN/2202 ID[redacted] NAME:CUENC A JEFFREY V/0995 VEHICLE:B1200 RADIO:00015348/00015328/00016116
21:57:02	K241	OPER-OFF	[redacted]
22:59:22	K241	OPER-ON	

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OPERATOR ASSIGNMENTS: K241 [redacted]
DP09
DP13
AS OF 18:48:24 DP09 [redacted]
AS OF 19:54:49 DP13

ON DUTY: 16:01:04 03/20/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 05:58:47 03/21/2014 VEHICLE: B1200
Ingleside Station - Motorized Patrol
RADIO: 1:00012803 2: 00013530 00016116

ID # 1 [redacted] AUSTIN, COLBY ID # 2 [redacted] OCRETO,JUSTIN N

03/21/2014

00:04:08	K042	MISC	MONSTR MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
00:06:35	K042	MISC	DL MASK: QUERY 1: [redacted] QUERY 2: [redacted] 24261
02:00:07	SLON	SCHD-OFF	
02:04:40	DP09	MISC	STILL 97
05:58:47	DP09	CLEAR	HAN
05:58:47	DP09	OFF-DUTY	

OPERATOR ASSIGNMENTS: K042 [redacted]
DP09
AS OF 05:58:47 DP09

SFDPA - 0179-14 - 000449

ON DUTY: 16:00:56 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 06:13:51 03/22/2014 VEHICLE: B1186
Ingleside Station - Motorized Patrol

RADIO: 1:00016413

ID # 1 [redacted] SNADOW, SAM ID # 2 [redacted] DILAG,ROEL V

03/21/2014

16:00:56	SLON	ON-DUTY	ID[redacted] NAME:SNADOW SAM/1644 ID[redacted] NAME:DILAG ROEL V/0173 BEAT:H1 VEHICLE:B1186 RADIO:00016413
16:12:35	DP09	OUT	[redacted]
16:17:42	K030	OPER-ON	[redacted]
16:26:38	K030	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY [redacted]
17:16:18	K030	MISC	NEGATIVE CONTACT WITH [redacted]. LEFT A VOICEMAIL MSG .
17:16:52	K030	CLEAR	UTL
17:18:47	DP09	DISP-ENR	[redacted]
17:24:21	K030	ONSCENE	
17:27:15	K030	CLEAR	NOM, NO MERIT TO 418. ADV
17:30:55	DP09	DISP-ENR	[redacted]
17:37:39	K030	ONSCENE	
17:41:21	K030	CLEAR	GOA
17:58:32	DP09	DISP-ENR	[redacted]
17:59:42	K030	MISC	USREG MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:03:48	DP09	MISC	ATC RO ON VEH
18:05:20	DP09	MISC	ON CB TO 1ST CB..LEFT VM
18:09:25	DP09	PREEMPT	
18:09:25	DP09	BACK-ENR	[redacted]
18:18:03	K030	ONSCENE	
18:20:23	DP09	PREEMPT	
18:20:23	DP09	DISP-ENR	[redacted]
18:20:38	DP13	MISC	3H104 ADV'D OF RUN
18:28:00	K030	ONSCENE	
18:32:40	DP13	CODE-4	SEARCHED AREA GOA
18:34:32	DP13	MISC	ON CB NO LONGER SEES SUBJ'S ADV WENT THRU FENCE ON PARK S IDE
18:34:40	DP13	MISC	SEARCHED AREA GOA
18:46:35	K030	CLEAR	GOA
19:01:14	DP09	DISP-ENR	[redacted]
19:10:43	K030	ONSCENE	

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19:11:20	K030	MISC	USREG MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
19:12:33	DP13	PREEMPT	
19:12:33	DP13	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:17:37	K030	ONSCENE	
19:43:27	DP13	MISC	97 UP ON THE HILL
19:53:51	DP13	DSPINFO	BERNAL HEIGHTS - ON HILL
20:02:53	DP13	MISC	AFTER CLEARING ROAD, WILL BE ABLE TO ASSIST W/ CANVASSING WEST SIDE
20:57:53	DP05	MISC	ADV CO H UNITW WHO WERE ACTUALLY INVOLVED ON THE OIS, THA T THE COVER PAGE IS UP AND TO BEGIN THEIR STATEMENT

OPERATOR ASSIGNMENTS:		
	DP09	[redacted]
	K030	
AS OF 17:18:47	DP09	
AS OF 18:03:48	DP09	
	DP13	
AS OF 18:32:40	DP13	
AS OF 19:12:33	DP13	
AS OF 19:43:27	DP13	
	DP05	

ON DUTY: 16:01:04 03/20/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 02:00:07 03/21/2014 VEHICLE: B1186
Ingleside Station - Motorized Patrol

RADIO: 1:00013452

ID # 1 [redacted] AYLWORTH, JOEL ID # 2 [redacted] KHAN,ZAHID A

03/21/2014

00:07:41	DP09	DISP-ONS	[redacted]
00:07:45	DP09	CLEAR	GOA
02:00:07	SLON	OFF-DUTY	

OPERATOR ASSIGNMENTS:		
	DP09	[redacted]

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ON DUTY: 15:00:13 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 02:39:21 03/22/2014 VEHICLE: BW070
Ingleside Station - Patrol Sergeant

RADIO: 1:00013149

ID # 1 [redacted] RISKIN,SETH J

03/21/2014

15:00:13	SLON	ON-DUTY	ID[redacted] NAME:RISKIN SETH J/1915 BEAT:H0 VEHICLE:BW070 R ADIO:00013149
15:30:16	K333	OPER-ON	A01418
17:15:33	K333	MISC	SFPDMDCCMDLINE MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
17:19:39	K333	MISC	SFPDMDCCMDLINE MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
17:20:26	K333	MISC	SFPDMDCCMDLINE MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
17:22:18	K333	MISC	SFPDMDCCMDLINE MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
19:12:27	DP13	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:19:51	DP13	ONSCENE	
19:22:59	DP13	MISC	CALLING DOC NOW. NEED 1 UNIT TO STAY AT BOTTOM OF HILL
19:24:57	DP13	MISC	MISSION TO HANDLE A'S & B'S TFN
19:33:46	DP05	MISC	CMD POST AT VEH 125 ON THE ROAD WILL BE THE CMD POST #589 1717
19:34:29	DP05	MISC	ACK'D A12 IS NOW THEIR CHNL
19:35:23	DP13	MISC	WILL ADJUST COMMAND POST & ADVISE
19:35:24	DP05	MISC	CELL PHONE# IS[redacted] FOR THE CMD POST
19:40:09	DP13	MISC	COMMAND POST NOW AT SILVER CROWN VIC NEXT TO PARK BENCH I NSIDE BERNAL HEIGHTS PARK
19:57:59	DP13	MISC	NEED OFFICERS TO WEST SIDE OF CRIME SCENE & SEARCH FOR AN Y UNINTENDED VICTIMS AS RESULT OF GUNFIRE TRAVELLING PAST INTENDED TARGET. ALSO TO CHECK FOR DAMAGE TO HOUSES.

SFDPA - 0179-14 - 000452

OPERATOR ASSIGNMENTS: K333 [redacted]
DP13
AS OF 19:19:51 DP13
DP05

ON DUTY: 15:00:15 03/20/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:37:41 03/21/2014 VEHICLE: BW070
Ingleside Station - Patrol Sergeant

RADIO: 1:00013149

ID # 1 [redacted] RISKIN,SETH J

03/21/2014

01:00:05	SLON	SCHD-OFF
01:37:41	DP09	CLEAR
01:37:41	DP09	OFF-DUTY

OPERATOR ASSIGNMENTS: DP09 [redacted]

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ON DUTY: 16:00:59 03/21/2014 DAREA: 3I CONTROL: 3I MID: FK:
OFF DUTY: 02:00:11 03/22/2014 VEHICLE: BW079
Taraval Station - Motorized Patrol
RADIO: 1:00014122 2: 00013010 00015935

ID # 1 [redacted] LABSON,RODRIGO J ID # 2 [redacted] DEJESUS,PETER KENT C

03/21/2014

16:00:59	SLON	ON-DUTY	ID[redacted] NAME:LABSON RODRIGO J/1955 ID[redacted] NAME:DEJES US PETER KENT C/1992 BEAT:I6 VEHICLE:BW079 RADIO:00014122/00013010/00015935
16:28:12	K153	OPER-ON	[redacted]
16:28:39	K153	OPER-ON	
16:45:09	DP09	DISP-ENR	[redacted]
16:57:16	K153	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:07:28	DP09	REQCC	140240095 assigned
17:16:17	K153	ONSCENE	
17:22:49	K153	CHGLOC	CO I,SF, 851 FOLLOW UP
17:27:47	K153	ONSCENE	
17:39:04	DP13	PREEMPT	
17:39:04	DP13	DISP-ENR	[redacted]
17:39:05	DP13	MISC	W/ DELAY FROM CO
17:51:22	DP09	PREEMPT	
17:51:22	DP09	DISP-ONS	[redacted]
17:51:27	DP09	CLEAR	REP
17:51:30	DP09	BACK-ONS	[redacted]
18:00:04	DP13	CLEAR	
18:00:54	K153	ON-VIEW	[redacted]
18:05:21	K153	CLEAR	HAN
18:05:36	K153	ON-VIEW	[redacted]
18:10:25	K153	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:12:26	K153	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
18:15:01	SLON	MOD-LGON	ID[redacted] NAME:DEJESUS PETER KENT C/1992 ID[redacted] NAME:L ABSON RODRIGO J/1955 VEHICLE:BW079 RADIO:00013010/00014122/00015935

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18:17:10	DP09	CLEAR	HAN
18:17:17	DP09	DISP-ENR	[redacted]
18:23:19	K153	ONSCENE	
18:30:52	DP13	REQCC	[redacted]
18:34:25	K153	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] [redacted] QUERY 5: [redacted]
18:35:04	K153	MISC	22 QUERY 2: [redacted]
18:36:37	K153	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
18:40:08	K153	CLEAR	REP
18:40:13	K153	BACK-ENR	[redacted]
18:43:35	DP09	MISC	IS CIT TRAINED
18:48:50	K153	ONSCENE	
19:05:01	K153	CLEAR	ND
19:10:36	K153	ON-VIEW	[redacted]
19:13:33	K153	CLEAR	HAN
19:13:43	K153	ON-VIEW	[redacted]
19:25:06	DP13	CLEAR	ND
19:25:09	DP13	BACK-ENR	140802955 A/221 FOLSOM ST/RIPLEY ST,SF
19:25:12	DP13	ONSCENE	W/ 909
19:37:39	DP05	MISC	MEDIA IS 97 WHERE DOES 3H109 WANT THEM SET UP?
19:46:52	DP13	MISC	WE ARE THE ONLY UNITS 97 AT THE BOTTOM, AND WE ARE 97 W/ THE MEDIA
20:36:35	DP13	MISC	E21 97 W/ LIGHTING UNIT
22:02:11	DP09	CLEAR	
22:02:15	DP09	DISP-ENR	[redacted]
22:05:03	K153	ONSCENE	
22:07:33	DP13	REQCC	[redacted]
22:19:12	K153	CHGLOC	CO I,SF, FOLLOW -UP

OPERATOR ASSIGNMENTS:

	K153
	DP09
AS OF 17:07:28	DP09
	DP13
AS OF 18:17:10	DP09
AS OF 18:30:52	DP13
AS OF 19:25:06	DP13
	DP05
AS OF 22:02:11	DP09
AS OF 22:07:33	DP13

[redacted]

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ON DUTY: 16:01:04 03/20/2014 DAREA: 3I CONTROL: 3I MID: FK:
OFF DUTY: 02:08:45 03/21/2014 VEHICLE: BW079
Taraval Station - Motorized Patrol
RADIO: 1:00018220 2: 00018221 00015935

ID # 1 [redacted] DIZON,JOHN O ID # 2 [redacted] GUMMO,JOSEPH F

03/21/2014

00:49:52	DP09	MISC	THANK ALL THE INGLESIDE AND TARAVAL UNITS FOR BACKING UNI T ON THE 217 INCIDENT
02:00:07	SLON	SCHD-OFF	
02:08:45	DP09	CLEAR	REP
02:08:45	DP09	OFF-DUTY	

OPERATOR ASSIGNMENTS: DP09
AS OF 02:08:45 DP09

[redacted]

SFDPA - 0179-14 - 000456

ON DUTY: 16:00:52 03/21/2014 DAREA: 3D CONTROL: 3D MID: FK:
OFF DUTY: 02:00:03 03/22/2014 VEHICLE: B1082
Mission Station - Motorized Patrol
RADIO: 1:00013019 2: 00006023

ID # 1 [redacted] ABAUNZA, ALVARO A ID # 2 [redacted] BUCKLEY,NICHOLAS C

03/21/2014

16:00:52	SLON	ON-DUTY	ID:[redacted] NAME:ABAUNZA ALVAROC/4239 ID:[redacted] NAME:BUCKLE Y NICHOLAS C/1537 BEAT:D1 VEHICLE:B1082 RADIO:00013019/00006023
16:28:26	K347	OPER-ON	[redacted]
16:31:14	DP10	DISP-ENR	[redacted]
16:33:17	DP10	MISC	[redacted]
16:34:27	DP10	MISC	410 W/DPW
16:39:41	DP10	CLEAR	HAN
16:40:07	DP10	DISP-ENR	[redacted]
16:49:55	K347	ONSCENE	
16:50:04	K347	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:50:06	K347	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
16:50:22	K347	OPER-ON	[redacted]
16:54:08	DP10	CLEAR	GOA
16:54:19	DP10	DISP-ONS	[redacted]
16:56:49	DP14	REQCC	[redacted]
17:04:02	K347	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
17:05:16	K347	MISC	RAPS MASK: QUERY 1: [redacted]
17:15:02	K347	CLEAR	REP
17:15:38	K347	ON-VIEW	[redacted]
17:16:28	DP10	NEWLOC	LOCATION:[redacted] RD: -->410 DAREA:3D-->3F
17:23:04	DP14	PREEMPT	
17:23:04	DP14	BACK-ENR	[redacted]

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17:29:08	DP14	CLOC-ONS	[redacted]
18:13:00	DP14	MISC	[redacted]
18:20:05	DP10	CLEAR	HAN
18:20:17	DP10	BACK-ENR	[redacted]
18:21:46	DP10	PREEMPT	
18:21:46	DP10	DISP-ENR	[redacted]
18:22:13	DP10	MISC	NTFY CO B
18:24:57	DP10	MISC	CHECKED AREA UTL.. IS A CO B RUN
18:25:00	DP10	PREEMPT	
18:26:51	K347	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:32:50	DP10	DISP-ENR	[redacted]
18:43:16	DP10	ONSCENE	
18:44:12	DP10	MISC	MED CAD 305
18:49:22	DP14	QUERY	[redacted]
18:57:58	K347	MISC	MEDICAL ONLY. TRANSPORTED TO SOBERING CENTER
18:58:05	DP10	MISC	KM10O & E06 97
19:11:50	DP10	CLEAR	HAN
19:11:57	DP10	ON-VIEW	[redacted]
19:12:00	DP10	MISC	SH
19:19:40	DP10	PREEMPT	
19:19:40	DP10	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:19:45	DP10	MISC	FROM 18TH/HARTFORD C3
19:19:55	DP14	MISC	RES C/3 FROM HARTFORD
19:21:51	DP10	MISC	GUE/CC SHUT DOWN C3
19:23:50	DP10	ONSCENE	
19:40:48	DP14	CLEAR	
19:41:17	DP14	OUT	[redacted] CO/7A CO D, P/UP 597 AND BRING TO COMMAND POST PER 3D101
19:52:50	DP13	CLEAR	
19:52:54	DP13	BACK-ONS	140802955 A/221 BERNAL COMMAND POST
20:17:15	DP14	PREEMPT	
20:17:15	DP14	BACK-ENR	[redacted]
20:18:39	K347	ONSCENE	
20:19:29	DP10	PREEMPT	
20:19:29	DP10	BACK-ENR	[redacted]
20:41:59	DP10	CLEAR	
20:42:07	DP10	DISP-ENR	[redacted]
20:58:07	DP14	CODE-4	800 CALLER
20:59:50	DP14	CODE-4	ACCIDENTAL
21:16:45	DP10	CLEAR	ND
21:16:50	DP10	OUT	[redacted]
22:35:51	K347	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
22:36:32	K347	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted]

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[redacted] QUERY 2: [redacted]
QUERY 3: [redacted]
QUERY 4: [redacted]
[redacted]
QUERY 5: IN [redacted]

22:57:11	DP10	PREEMPT	
22:57:11	DP10	DISP-ENR	[redacted]
22:59:28	DP14	ONSCENE	
23:00:10	DP14	MISC	IAO SEARCHING
23:01:17	DP14	MISC	PER 909 AT [redacted] - POSS TWDS [redacted]
23:01:31	DP14	CHGLOC	[redacted],SF
23:05:00	DP14	CODE-4	NO ONE IAO - AREA SEARCHED - POSS FIREWORKS
23:07:53	DP14	CLEAR	NOM

OPERATOR ASSIGNMENTS:

	K347
	DP10
AS OF 16:50:22	K347
	DP14
AS OF 17:16:28	DP10
AS OF 17:23:04	DP14
AS OF 18:13:00	DP14
AS OF 19:11:50	DP10
AS OF 19:19:40	DP10
AS OF 19:19:55	DP14
	DP13
AS OF 21:16:45	DP10
AS OF 22:59:28	DP14

[redacted]

ON DUTY: 16:00:58 03/20/2014 DAREA: 3D CONTROL: 3D MID: FK:
OFF DUTY: 02:00:02 03/21/2014 VEHICLE: B1082
Mission Station - Motorized Patrol
RADIO: 1:00013019 2: 00006023

ID # 1 [redacted] SMITH,CHRISTOPHER S ID # 2 [redacted] BUCKLEY,NICHOLAS C

03/21/2014

00:01:02	DP07	MISC	PER CALL TO ATT...THEY ARE UNABLE TO PROVIDE SUBSCR INFO UNLESS THIS IS A LIFE OR DEATH EMREGENCY SITUATION.
00:12:27	K347	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
00:12:57	K347	CLEAR	ADV
00:36:01	K347	BACK-ENR	[redacted]
00:38:43	K347	ONSCENE	
00:39:43	DP10	QUERY	Q LP 8X45993/C
00:42:15	K347	CLEAR	ND
00:53:13	SLON	MOD-LGON	ID [redacted]7 NAME:SMITH CHRISTOPHER S/2383 ID [redacted] NAME:BU CKLEY NICHOLAS C/1537 VEHICLE:B1082 RADIO:00013019/00006023
01:14:08	K347	OPER-OFF	[redacted]

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02:00:02 SLON OFF-DUTY

OPERATOR ASSIGNMENTS: DP07
K347
DP10



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ON DUTY: 06:00:11 03/21/2014 DAREA: 3D CONTROL: 3D MID: FK:
OFF DUTY: 10:59:59 03/21/2014 VEHICLE:
Mission Station - Foot Patrol
RADIO: 1:00016330

ID # 1 [redacted] CAMILOSA, JEFF

03/21/2014

06:00:11	SLON	ON-DUTY	ID[redacted] NAME:CAMILOSA, JEFF/4244 BEAT:D44 RADIO:0001633 0
10:59:59	SLON	OFF-DUTY	

OPERATOR ASSIGNMENTS:

ON DUTY: 11:00:02 03/21/2014 DAREA: 3D CONTROL: 3D MID: FK:
OFF DUTY: 01:04:18 03/22/2014 VEHICLE:
Mission Station - Foot Patrol
RADIO: 1:00016425 2: 00016330

ID # 1 [redacted] PRIETO,LUIS E ID # 2 [redacted] CAMILOSA, JEFF

03/21/2014

11:00:02	SLON	ON-DUTY	ID[redacted] NAME:CAMILOSA, JEFF/4244 ID[redacted] NAME:PRIETO LUIS E/2458 BEAT:D44 RADIO:00016330/00016425
11:29:42	K328	OPER-ON	[redacted]
11:32:32	DP14	ON-VIEW	[redacted]
11:34:22	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
11:35:13	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
11:36:49	K328	MISC	[redacted] QUERY 1: [redacted] QUERY 2: [redacted]

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			76877
11:42:32	K328	CLEAR	ADV
12:02:59	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:03:26	K328	MISC	MONSTR MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
12:04:10	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:04:41	K328	MISC	MONSTR MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
12:06:23	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:08:07	DP14	TFC-STOP	[redacted]
12:08:29	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
12:20:23	K328	CLEAR	ADV
12:28:00	DP10	DISP-ONS	[redacted]
12:32:06	K328	CLEAR	ADV
12:37:21	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:37:27	K328	MISC	[redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:41:29	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:43:34	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY

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			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:44:09	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:48:41	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:51:18	K328	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:53:24	DP14	ON-VIEW	[redacted] OWN
12:53:53	K328	MISC	MONSTR MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted] QUERY 6: [redacted]
13:01:05	K328	CLEAR	CIT
13:03:15	K328	OPER-ON	[redacted]
13:05:14	K328	MISC	MONSTR MASK: QUERY 1: [redacted] QUERY 2: [redacted]
13:07:53	K328	ON-VIEW	[redacted]
13:24:38	K328	CLEAR	HAN
13:24:42	K328	BACK-ENR	[redacted]
13:28:43	K328	ONSCENE	
13:35:46	DP10	CLEAR-SA	3D15A
13:35:55	DP10	BACK-ENR	[redacted]
14:31:29	DP14	ONSCENE	STILL 97 BEHIND WALGREEN'S
14:59:57	DP10	TRANSPRT	CO D W/1, MALE
15:04:59	K328	ONSCENE	
16:00:15	SLON	SCHD-OFF	
16:00:52	SLON	MOD-LGON	ID[redacted] NAME:PRIETO LUIS E/2458 RADIO:00016425
19:21:56	K328	OPER-ON	[redacted]
19:22:07	K328	CLEAR	ARR
19:22:24	K328	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:25:22	K328	ONSCENE	
21:00:02	SLON	SCHD-OFF	
23:50:41	SLON	MOD-LGON	ID[redacted] NAME:PRIETO LUIS E/2458 ID[redacted] NAME:CAMILOSA , JEFF/4244 RADIO:00016425/00016330
23:58:59	SLON	SCHD-OFF	

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OPERATOR ASSIGNMENTS:

	K328
	DP14
AS OF 12:08:07	DP14
	DP10
AS OF 13:03:15	K328
AS OF 13:35:46	DP10
AS OF 14:31:29	DP14

[redacted]

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ON DUTY: 16:00:52 03/21/2014 DAREA: 3C CONTROL: 3C MID: FK:
OFF DUTY: 02:05:24 03/22/2014 VEHICLE: B1055
BAYVIEW STATION - TRAFFIC
RADIO: 1:00015833

ID # 1 [redacted] CUEVAS,NICHOLAS

03/21/2014

16:00:52	SLON	ON-DUTY	ID[redacted] NAME:CUEVAS NICHOLAS/2295 BEAT:C0 VEHICLE:B1055 RADIO:00015833
16:30:54	K069	OPER-ON	[redacted]
16:36:15	DP10	DISP-ENR	[redacted]
16:55:28	K069	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
16:55:54	K069	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
16:56:44	K069	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:56:49	K069	ONSCENE	
17:06:49	K069	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
17:11:25	K069	CLEAR	REP
17:17:53	K069	ON-VIEW	[redacted]
17:56:45	DP10	CLEAR	HAN
17:56:49	DP10	BACK-ENR	[redacted]
18:09:40	K069	ONSCENE	
18:10:55	K069	CLEAR	ND
19:02:56	K069	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
19:03:44	DP10	TFC-STOP	[redacted] SHO
19:03:48	DP10	UNAVAIL	

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19:04:10	K069	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
19:04:39	K069	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
19:17:26	K069	CLEAR	CIT, PARKED FACING NORTH AT DE HARO AT MARIPOSA (S/E CORNER) DRIVER IN [redacted] W/B ON MARIPOSA TAPPED BRAKES RAN 4 WAY STOP AS OTHER THERE WAS A VEH STOPPED ON N/B DEHARO AND ONE STOPPED AT S/B DEHARO. DRIVER CONTINUED THROUH INTERSECTION, FAILING TO YEILD TO STOPPED VEHICLES RUNNING STOP SIGN AT 15 MPH. DRIVER SAID [redacted]
19:19:26	DP10	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:19:28	DP10	MISC	3
19:19:31	DP10	MISC	C3
19:26:02	K069	ONSCENE	
19:28:06	DP13	MISC	CLOSING OFF EAST SIDE OF PARK
19:29:16	DP13	DSPINFO	BERNAL HEIGHTS - EAST
19:54:24	K069	CLEAR	ND
20:23:50	DP10	BACK-ENR	[redacted]
20:32:49	K069	ONSCENE	
20:40:22	K069	CLEAR	ND
20:40:51	DP14	BACK-ENR	[redacted]
20:46:36	K069	ONSCENE	
20:53:25	DP14	QUERY	[redacted]
22:02:27	K069	CHGLOC	CO C,SF
22:03:59	K069	ONSCENE	
22:28:16	K069	OPER-ON	[redacted]
22:28:51	K069	CLEAR	ND
22:28:59	K069	OUT	[redacted]

OPERATOR ASSIGNMENTS:

	K069
	DP10
AS OF 17:56:45	DP10
AS OF 19:03:44	DP10
AS OF 19:19:26	DP10
	DP13
	DP14

[redacted]

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ON DUTY: 10:59:57 03/21/2014 DAREA: 3C CONTROL: 3C MID: FK:
OFF DUTY: 21:00:02 03/21/2014 VEHICLE: C1036
Offduty officer logon

RADIO: 1:00012981

ID # 1 [redacted] HALL III,HUGH D

03/21/2014

10:59:57	DP14	ON-DUTY	BEAT:C0
10:59:57	DP14	ON-VIEW	[redacted]C/917 6190 3RD ST
11:00:02	SLON	MOD-LGON	ID [redacted] NAME:HALL III HUGH D/0567 VEHICLE:C1036 RADIO:0 0012981
11:29:05	K048	OPER-ON	[redacted]
11:36:29	DP14	CLEAR	HAN
11:36:31	DP14	ON-VIEW	[redacted]
11:36:54	DP14	CHGLOC	[redacted]
11:37:03	DP14	CLEAR	HAN
11:37:12	DP14	BACK-ENR	[redacted]
12:24:30	DP10	CLEAR	
12:35:15	DP10	BACK-ENR	[redacted]
12:35:23	DP10	MISC	SET UP PERIMETER
13:38:45	K048	PREEMPT	
13:38:45	K048	ON-VIEW	[redacted]
13:50:34	DP14	NEWLOC	LOCATION [redacted] SF (D =3C 6198 3RD/1398 GILMAN) RD: -->343
14:13:54	DP14	MISC	LEAVING NOW.. LITTLE TRAF JAM AT 3RD/GILMAN.. HEADING TO COLMA
14:18:05	DP14	DSPINFO	[redacted]
14:29:49	DP14	CLEAR	HAN
15:59:44	DP14	BACK-ENR	[redacted]
16:01:19	DP14	CHGLOC	[redacted]
16:14:13	DP14	MISC	TALKED TO THE 4K103, HAVE NOT YET CONFIRM THIS IS THE SUP S VEH, IF LOCATED , 5B1 AND 5B2 WILL HANDLE
16:14:48	DP14	MISC	DISREGARD THE LAST, IT WAS FOR A DIFF CAD
16:16:37	DP14	CODE-4	[redacted], DOING 903 IAO NOW
16:34:09	DP14	MISC	[redacted], AND [redacted] ARE ALL CLEAR, BUT WI LL CONTINUE TO SEND UNITS FOR PASSING CALLS
16:34:10	DP14	CLEAR	
17:57:43	DP14	BACK-ENR	[redacted]
18:10:33	K048	CLEAR	HAN
19:21:56	SU02	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:31:18	K048	ONSCENE	
20:31:04	DP13	CLEAR	CLEARING FROM CRIME SCENE, HEADING BACK TO BAYVIEW

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21:00:02 SLON OFF-DUTY

OPERATOR ASSIGNMENTS: DP14
K048
DP10
AS OF 12:35:15 DP10
AS OF 13:50:34 DP14
AS OF 14:13:54 DP14
AS OF 15:59:44 DP14
AS OF 16:14:13 DP14
AS OF 17:57:43 DP14
SU02
DP13

[redacted]

ON DUTY: 21:00:22 03/21/2014 DAREA: 3C CONTROL: 3C MID: FK:
OFF DUTY: 23:59:59 03/21/2014 VEHICLE: C1036
BAYVIEW STATION - PATROL

RADIO: 1:00012981

ID # 1 [redacted] HALL III,HUGH D

03/21/2014

21:00:22 SLON ON-DUTY ID[redacted]NAME:HALL III HUGH D/0567 BEAT:C0
VEHICLE:C1036
RADIO:00012981

21:10:01 K048 OPER-ON [redacted]
21:24:01 DP10 ACKUNIT
23:59:59 SLON OFF-DUTY

OPERATOR ASSIGNMENTS: K048 [redacted]
DP10 [redacted]

SFDPA - 0179-14 - 000468

ON DUTY: 11:15:05 03/21/2014 DAREA: 3C CONTROL: 3C MID: FK:
OFF DUTY: 00:22:09 03/22/2014 VEHICLE: B1299
Offduty officer logon
RADIO: 1:00013061 2: 00016024

ID # 1 [redacted] WILGUS,PAUL A

03/21/2014

11:15:05	DP14	ON-DUTY	BEAT:C4
11:15:05	DP14	OUT	[redacted]
11:40:14	DP10	MOD-LGON	ID[redacted] NAME:WILGUS PAUL A/2036 VEHICLE:B1299 RADIO:007 01028/00016024
11:40:32	DP10	MISC	[redacted] 701028 B1299
11:40:43	K047	OPER-ON	[redacted]
11:42:13	DP10	PREEMPT	
11:42:13	DP10	DISP-ENR	[redacted]
12:02:04	K047	MISC	SFPDMDCCMDLINE MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
12:03:46	K047	ONSCENE	
12:09:47	DP14	REQCC	[redacted] assigned
12:15:00	DP10	MISC	ADD TO HS[redacted] COLOR, TAKEN TODAYS DATE
12:15:39	DP10	CLEAR	REP
12:15:42	DP10	DISP-ENR	[redacted]
12:29:25	K047	CLEAR	HAN
12:35:49	K047	BACK-ENR	[redacted]
12:38:39	DP14	ONSCENE	
12:50:12	DP10	TRANSPRT	CO C, W/1
13:01:08	K047	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
13:15:38	DP14	CLEAR	
13:15:45	DP14	OUT	[redacted]
13:25:41	DP10	TRANSPRT	CJ1 W/X, SM 0.0
13:38:42	DP10	ONSCENE	EM 3.9
14:19:08	K047	MISC	SFPDMDCCMDLINE MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
14:22:16	K047	CLEAR	HAN
14:22:32	K047	OUT	[redacted]

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15:07:06	DP10	PREEMPT	
15:07:06	DP10	DISP-ENR	[redacted]
15:09:53	K047	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
15:21:24	K047	ONSCENE	
15:26:34	DP10	MISC	SUSPECT GOA
15:26:37	DP10	CLEAR	GOA
15:26:48	DP10	DISP-ENR	[redacted]
15:33:56	K047	ONSCENE	
15:46:38	K047	MISC	MADE CONTACT WITH FRONT DEST WHO TOLD ME THE RESIDENT WAS NO LONGER 97. ADV TO CALL BACK WHEN RETURNED HOME TO MAKE REPORT.
15:46:44	K047	CLEAR	HAN
15:47:39	DP10	DISP-ENR	[redacted]
15:51:24	K047	ONSCENE	
15:55:04	K047	MISC	NO PAINT IN STREET SEEN.
15:55:10	K047	CLEAR	HAN
15:55:26	DP10	DISP-ENR	[redacted]
15:57:20	DP10	MISC	WILL MEET W/ THE 909, COPIES INFO FROM FIRE CAD
15:58:09	DP14	PREEMPT	
15:58:09	DP14	BACK-ENR	[redacted]
16:00:49	SLON	MOD-LGON	VEHICLE:B1299 RADIO:00013061/00016024
16:08:06	K047	ONSCENE	
16:37:29	DP14	CLEAR	
16:37:32	DP14	BACK-ENR	[redacted]
17:09:23	K047	CLEAR	HAN
17:17:02	K047	OUT	[redacted]
17:29:33	K047	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:34:14	K047	CLEAR	HAN
17:47:03	DP14	BACK-ONS	[redacted]
17:47:04	DP14	MISC	TAKING OCCS OUT OF VEH
17:47:16	DP14	CODE-4	TAKING OUT OF VEH, SLOW DOWN UNITS
17:50:08	K047	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
18:00:15	DP10	TRANSPRT	CO C, W/1
18:02:35	K047	ONSCENE	
18:23:29	K047	CLEAR	HAN
18:28:17	K047	BACK-ENR	[redacted]
18:28:36	K047	CLEAR	ND
18:30:09	K047	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2

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			[redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:34:08	K047	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2 [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:36:16	DP10	REPLACE	3C116 [redacted]
18:42:48	DP10	PREEMPT	
18:42:48	DP10	DISP-ENR	[redacted]
18:45:11	DP10	ONSCENE	
18:45:31	DP14	CODE-4	TALKING TO ONE, LIGHTING INCENSE
18:48:00	DP14	QUERY	[redacted]
18:49:30	K047	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
18:53:27	DP10	CLEAR	NOM
18:53:35	DP10	DISPATCH	[redacted]
18:58:01	K047	ONSCENE	
19:00:54	K047	CLEAR	GOA
19:22:22	DP14	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:41:00	K047	ONSCENE	
20:05:29	DP10	CLEAR	
20:12:43	K047	OPER-OFF	[redacted]
20:47:07	DP10	OUT	[redacted]
20:47:09	DP10	ONSCENE	

OPERATOR ASSIGNMENTS:

	DP14
	DP10
	K047
AS OF 12:09:47	DP14
AS OF 12:15:39	DP10
AS OF 13:15:38	DP14
AS OF 13:25:41	DP10
AS OF 15:26:34	DP10
AS OF 15:58:09	DP14
AS OF 16:37:29	DP14
AS OF 17:47:03	DP14
AS OF 18:00:15	DP10
AS OF 18:45:31	DP14
AS OF 20:05:29	DP10

[redacted]

SFDPA - 0179-14 - 000471

ON DUTY: 15:00:13 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:14:33 03/22/2014 VEHICLE: B1222
Ingleside Station - Patrol Lieutenant
RADIO: 1:00015228 2: 00015952

ID # 1 [redacted] DELGADILLO,MARIO J

03/21/2014

15:00:13	SLON	ON-DUTY	ID [redacted] NAME:DELGADILLO MARIO J/0758 BEAT:H0 VEHICLE:B1 222 RADIO:00015228/00015952
19:20:31	DP13	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:41:54	DP13	ONSCENE	
19:42:02	DP13	MISC	AT CRIME SCENE
19:52:12	DP13	MISC	2 RADIO CARS TO COMMAND POST
20:36:50	DP13	MISC	HAVE E21 905 AT COMMAND POST
20:37:05	DP13	MISC	HAVE E21 MAKE A RIGHT WHEN THEY COME UP TO THE COMMAND PO ST
21:06:35	DP13	MISC	NEED A12 FOR ANOTHER HALF HOUR.
21:27:16	DP13	MISC	CLEAR A12. ALL UNITS TO REVERT BACK TO A8
21:35:09	DP13	MISC	ADV ALL UNITS ON PERMITER, NOT RELEASED UNTIL ADV
22:02:30	DP13	MISC	ALL UNITS ON THE PERMITER HAVE BEEN

OPERATOR ASSIGNMENTS:
DP13 [redacted]
AS OF 21:35:09 DP13 [redacted]
AS OF 22:02:30 DP13 [redacted]

ON DUTY: 19:00:02 03/20/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:00:05 03/21/2014 VEHICLE: B1222
Ingleside Station - Patrol Lieutenant
RADIO: 1:00015228 2: 00015952

ID # 1 [redacted] DELGADILLO,MARIO J

03/21/2014

00:08:02	DP09	ACKUNIT
01:00:05	SLON	OFF-DUTY

OPERATOR ASSIGNMENTS: DP09 [redacted]

SFDPA - 0179-14 - 000472

ON DUTY: 16:00:49 03/21/2014 DAREA: 3C CONTROL: 3C MID: FK:
OFF DUTY: 01:59:59 03/22/2014 VEHICLE: B337
BAYVIEW STATION - MOTORIZED
RADIO: 1:00001022 2: 00001042

ID # 1 [redacted] WISE,RICHARD J ID # 2 [redacted] GUZMAN,DANIEL E

03/21/2014

16:00:49	SLON	ON-DUTY	ID[redacted]NAME:GUZMAN DANIEL E/2066 ID[redacted] NAME:WISE R ICHARD J/4208 BEAT:C1 VEHICLE:B337 RADIO:00001042/00001022
16:19:15	K350	OPER-ON	[redacted]
16:24:27	K350	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:27:57	K350	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:30:57	DP10	TFC-STOP	[redacted]
16:31:06	DP10	QUERY	[redacted]
16:31:31	K350	MISC	MONSTR MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
16:37:44	DP10	UNAVAIL	
16:45:28	K350	CLEAR	ADV
16:49:37	DP10	DISP-ENR	[redacted]
16:52:20	DP10	PREEMPT	
16:52:20	DP10	TFC-STOP	[redacted]
16:52:27	K350	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:53:50	K350	MISC	MONSTR MASK: QUERY 1: [redacted]

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			[redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted] QUERY 6: [redacted]
16:56:10	DP10	UNAVAIL	
16:57:47	K350	CLEAR	ADV
16:59:19	DP14	DISP-ENR	[redacted]
17:03:18	K350	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:04:19	DP10	PREEMPT	
17:04:19	DP10	BACK-ENR	[redacted]
17:06:40	DP10	PREEMPT	
17:06:40	DP10	DISP-ENR	[redacted]
17:10:03	DP10	MISC	C/B FOR ENTRY
17:11:45	DP10	CLEAR	GOA, STRAIGHT TO VM
17:13:21	K350	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:14:04	DP10	TFC-STOP	[redacted]
17:16:03	K350	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted] QUERY 6: [redacted] QUERY 7: [redacted] QUERY 8: [redacted] QUERY 9: [redacted] QUERY 10: [redacted] QUERY 11: [redacted]
17:34:20	DP10	CLEAR	CIT
17:35:17	DP10	ON-VIEW	[redacted]
17:37:57	DP10	NEWLOC	LOCATION: [redacted] (D=3C 1100 4TH/198 CHANNEL) RD:150C-->295 DAREA:3A-->3C
17:51:36	DP10	CLEAR	HAN
17:51:38	DP10	DISP-ENR	[redacted]
17:55:35	DP10	PREEMPT	
17:55:35	DP10	DISP-ENR	[redacted]
17:55:45	DP14	MISC	C3 FROM MARIPOSA/DE HARO
17:55:56	DP14	MISC	3C104 ACKD C3
17:59:34	DP14	ONSCENE	
18:01:59	DP14	MISC	SO FAR NO ONE OUT HERE HAS SEEN ANYTHING
18:03:26	DP14	CHGLOC	[redacted]

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18:05:37	DP10	ONSCENE	
18:06:49	DP14	MISC	[redacted] ...NO CONTEXT OF THE SITUATION BEYOND THAT
18:10:22	DP14	REQCC	[redacted] assigned
18:11:07	DP14	CLEAR	UTL, SEVERAL UNITS SEARCHED THE AREA, WE DON'T HAVE ANYTH ING FURTHER
18:11:37	DP10	DISP-ENR	[redacted]
18:14:52	DP14	CLEAR	UTL
19:16:52	DP10	DISP-ENR	[redacted]
19:20:00	DP14	PREEMPT	
19:20:00	DP14	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:20:28	DP14	MISC	C/3 FROM BAYSHORE/CORTLAND...3C170 3C104 ACK
19:22:05	DP14	MISC	PER 3C204 CONTINUE TO RESPOND..SHUT DOWN C/3
19:23:22	DP13	MISC	97 AT BOTTOM OF HILL. CLOSING IT OFF. SFFD WILL BE ABLE T O ACCESS
19:26:49	DP13	MISC	ROAD NEEDS TO BE CLOSED OFF FOLSOM INTO THE PARK
19:40:00	SLON	MOD-LGON	ID[redacted] NAME:WISE RICHARD J/4208 ID[redacted] NAME:GUZMAN DANIEL E/2066 VEHICLE:B337
19:42:26	DP13	ONSCENE	
19:43:03	DP13	CLOC-ONS	FOLSOM ST/BERNAL HEIGHTS BL,SF
19:45:14	DP13	MISC	DIRECTING UNITS TO THE COMMAND POST, UP THE FIRE ROAD
19:48:31	DP13	MISC	MAIN ENTRANCE IS ACCESSIBLE TO COMMAND POST. 3X500: NO OT HER VEH TO COMMAND POST UNTIL APPROVED
19:52:39	DP13	MISC	SUV AND BLK & WHI 98 TO COMMAND POST NOW
19:54:21	DP14	MOD-LGON	VEHICLE:B337 SPEC-IND:S
19:55:17	DP14	PREEMPT	
19:55:17	DP14	BACK-ENR	[redacted]
20:13:51	DP10	CLEAR	
20:14:12	DP10	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
20:14:23	DP10	CHGLOC	FOLSOM ST/BERNAL HEIGHTS BL,SF, TO PICK UP MY PARTNER
20:42:27	K350	MISC	REG MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
21:10:27	DP13	ONSCENE	
21:13:18	K350	MISC	REG MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
21:14:28	K350	MISC	MONSTR MASK: QUERY 1:[redacted]

SFDPA - 0179-14 - 000475

[redacted] QUERY 2: [redacted] 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]

21:15:06	K350	MISC	[redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
21:30:44	DP13	MISC	REQ'ING AVAIL OR OVERFLOW CO H UNITS TO RELEIVE US
21:31:01	DP13	MISC	COME TO THE TOP OF THE HILL NEXT TO THE MEDIA VAN
21:35:16	DP13	MISC	COPIES
21:36:48	DP13	MISC	HAVE 2 BAYVIEW UNITS DOING TRAFFIC, NTFY 200
21:37:20	DP13	MISC	3C204 NTFY'D
21:58:14	DP14	PREEMPT	
21:58:14	DP14	ON-VIEW	[redacted]
22:36:08	DP14	MISC	ANY SHOTSPOTTER ACTIVATION IAO C-1 CAR, FIREWORKS
22:44:14	DP14	CLEAR	ND
22:44:25	DP14	BACK-ENR	[redacted]
22:44:30	DP14	MOD-LGON	VEHICLE:B337 SPEC-IND:NONE
22:55:26	DP16	MISC	STRAGGLER IN BTWN SQUAD CARS

OPERATOR ASSIGNMENTS:

	K350	[redacted]
	DP10	
	DP14	
AS OF 17:04:19	DP10	
AS OF 17:55:45	DP14	
AS OF 18:03:26	DP14	
AS OF 18:05:37	DP10	
AS OF 19:16:52	DP10	
AS OF 19:20:00	DP14	
	DP13	
AS OF 19:54:21	DP14	
AS OF 21:30:44	DP13	
AS OF 21:35:16	DP13	
	DP16	

ON DUTY: 16:00:55 03/20/2014 DAREA: 3C CONTROL: 3C MID: FK:
OFF DUTY: 02:00:02 03/21/2014 VEHICLE: B337
BAYVIEW STATION - MOTORIZED

RADIO: 1:00014056 2: 00001022

ID # 1 [redacted] QUOCK, RONALD W ID # 2 [redacted] WISE,RICHARD J

03/21/2014

02:00:02 SLON OFF-DUTY

SFDPA - 0179-14 - 000476

OPERATOR ASSIGNMENTS:

SFDPA - 0179-14 - 000477

ON DUTY: 18:09:58 03/21/2014 DAREA: UN CONTROL: UN MID: FK:
OFF DUTY: 02:00:14 03/22/2014 VEHICLE: B027
FOB - CAPTAIN

RADIO: 1:00015296

ID # 1 [redacted] OSUNA,MARK B

03/21/2014

18:09:58	SLON	ON-DUTY	ID[redacted] NAME:OSUNA MARK B/2141 BEAT:UN VEHICLE:B027 RAD IO:00015296
19:27:21	DP13	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:42:31	DP13	ONSCENE	
19:43:31	SU04	MISC	DOC REQ ON ALL FOR ANY ON DUTY CIRT OFFICERS TO RESP ON S CENE..ADV TO REVERT TO A12
20:06:22	DP13	MISC	SFFD LAMP TRUCK TO CRIME SCENE, ACCESS FROM FOLSOM/BERNAL HEIGHTS RD
20:11:28	DP13	MISC	CHECK W/ DPW FOR LAMPS
20:20:33	DP13	RCONTACT	ACK'D 410 W/ LAMPS
21:24:53	DP13	CLEAR	

OPERATOR ASSIGNMENTS: DP13 [redacted]
SU04

ON DUTY: 19:00:05 03/20/2014 DAREA: UN CONTROL: UN MID: FK:
OFF DUTY: 04:59:59 03/21/2014 VEHICLE: B027
FOB - CAPTAIN

RADIO: 1:00015296

ID # 1 [redacted] OSUNA,MARK B

03/21/2014

04:59:59	SLON	OFF-DUTY	

OPERATOR ASSIGNMENTS:

SFDPA - 0179-14 - 000478

ON DUTY: 15:00:13 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:14:21 03/22/2014 VEHICLE:
Ingleside Station - Patrol Sergeant

RADIO: 1:00013941

ID # 1 [redacted] CHAN,LAWRENCE T

03/21/2014

15:00:13	SLON	ON-DUTY	ID:[redacted] NAME:CHAN LAWRENCE T/1484 BEAT:H0 RADIO:0001394 1
19:41:45	DP13	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:42:54	DP09	ONSCENE	
20:02:32	DP13	MISC	ACCESS TRAFFIC SITUATION. IF VEHICLES CAN GET BY WITHOUT INTERFERING W/ PD OPERATIONS, LET THEM BY. NO CIVILIANS ALLOWED INTO BERNAL HEIGHTS PARK.

OPERATOR ASSIGNMENTS:

DP13 [redacted]
DP09 [redacted]

SFDPA - 0179-14 - 000479

ON DUTY: 13:00:00 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:14:27 03/22/2014 VEHICLE:
Ingleside Station - Patrol Sergeant

RADIO: 1:00016266

ID # 1 [redacted] ALVAREZ,MELONEE A

03/21/2014

13:00:00	SLON	ON-DUTY	ID[redacted]NAME:ALVAREZ MELONEE A/0019 BEAT:H0 RADIO:00016 266
17:51:46	DP13	BACK-ENR	[redacted]
18:13:52	DP13	CLEAR	HAN
19:04:00	SLON	MOD-LGON	
19:23:50	DP13	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:24:02	DP13	CHGLOC	FOLSOM ST/RIPLEY ST,SF, TO MAKE 909
19:33:16	DP09	MISC	COMMAND POST?
19:34:23	DP09	MISC	VEH 125 COMMAND POST PHONE [redacted]
19:42:54	DP09	ONSCENE	
19:59:59	SLON	SCHD-OFF	
20:36:06	SLON	MOD-LGON	
21:59:59	SLON	SCHD-OFF	

OPERATOR ASSIGNMENTS: AS OF 19:23:50

DP13 [redacted]
DP13 [redacted]
DP09

SFDPA - 0179-14 - 000480

ON DUTY: 11:00:05 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:14:00 03/22/2014 VEHICLE: B1247
Ingleside Station - Patrol Sergeant

RADIO: 1:00013587

ID # 1 [redacted] WALKER JR,ROBERT L

03/21/2014

11:00:05	SLON	ON-DUTY	ID [redacted] NAME:WALKER JR ROBERT L/1121 BEAT:H0 VEHICLE:B1 247 RADIO:00013587
11:31:16	K031	OPER-ON	[redacted]
11:48:31	K031	MISC	REG MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:14:00	K031	BACK-ENR	[redacted]
12:42:09	DP13	ONSCENE	
13:26:29	DP13	CLEAR	HAN
17:06:05	DP13	BACK-ONS	[redacted]
17:07:40	DP13	MISC	VERBAL 418
17:12:20	DP13	CLEAR	HAN
17:16:12	K031	MISC	REG MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
19:25:38	DP10	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:25:45	DP09	MISC	HAS ORIGINAL 909
19:42:54	DP09	ONSCENE	
21:00:08	SLON	SCHD-OFF	

OPERATOR ASSIGNMENTS:

	K031
	DP13
AS OF 13:26:29	DP13
AS OF 17:06:05	DP13
	DP10
	DP09

[redacted]

SFDPA - 0179-14 - 000481

ON DUTY: 11:27:55 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:11:43 03/22/2014 VEHICLE:
Ingleside Station - Motorized Patrol

RADIO: 1:00016345

ID # 1 [redacted] WILSON,CRAIG D

03/21/2014

11:27:55	SLON	ON-DUTY	ID[redacted] NAME:WILSON CRAIG D/1047 BEAT:H0 RADIO:00016345
11:28:32	K108	OPER-ON	[redacted]
12:03:04	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
13:06:05	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
13:07:25	DP09	TFC-STOP	[redacted]
13:20:11	DP09	UNAVAIL	
13:24:44	K108	CLEAR	CIT
13:32:43	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2 [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
13:34:46	DP09	TFC-STOP	[redacted]
13:35:36	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
13:40:44	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
13:48:18	DP09	CLEAR	CIT
13:48:37	DP09	TFC-STOP	[redacted] LP
13:52:59	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
14:04:22	DP09	CLEAR	CIT
14:04:42	DP09	TFC-STOP	[redacted]
14:04:46	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]

SFDPA - 0179-14 - 000482

14:10:38	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
14:31:09	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
14:31:25	K108	CLEAR	CIT
15:09:27	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
15:20:06	DP09	TFC-STOP	[redacted]
15:20:21	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
15:20:48	DP09	UNAVAIL	
15:26:04	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
15:34:22	K108	CLEAR	CIT
15:34:37	DP09	TFC-STOP	[redacted]
15:34:39	DP09	MISC	SH O
15:34:48	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2 [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
15:35:05	DP09	UNAVAIL	
15:38:08	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
15:44:54	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:00:10	DP09	CLEAR	CIT
16:00:16	DP09	ON-VIEW	[redacted]
16:01:27	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:06:40	DP09	CODE-4	EXCHANG'G INFO
16:09:57	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
16:16:52	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:20:09	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY

SFDPA - 0179-14 - 000483

			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:24:57	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:37:40	DP09	CLEAR	HAN
16:37:53	DP09	TFC-STOP	[redacted]
16:38:51	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:41:47	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted]
16:52:30	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:52:47	DP09	CLEAR	CIT
16:52:57	DP09	TFC-STOP	[redacted]
17:17:41	DP09	CLEAR	CIT
17:24:53	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:26:13	DP09	TFC-STOP	[redacted]
17:28:54	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted]
17:35:08	DP09	CLEAR	HAN
17:35:21	DP09	TFC-STOP	[redacted]
17:35:46	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY [redacted] QUERY 4: [redacted]
17:39:40	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted]
17:46:29	K108	CLEAR	CIT
17:48:51	DP09	TFC-STOP	[redacted]
17:49:06	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
17:52:40	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY
			2: [redacted]
18:24:31	DP13	CLEAR	CIT
19:06:12	K108	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY

SFDPA - 0179-14 - 000484

2: [redacted] QUERY 3: [redacted]
QUERY 4: [redacted]

19:20:20	K108	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:42:54	DP09	ONSCENE	
19:53:19	DP13	CLOC-ONS	RIPLEY ST/ALABAMA ST,SF, NORTH SIDE
20:01:08	DP13	ENROUTE	WILL CANVAS WEST SIDE
21:00:08	SLON	SCHD-OFF	
21:42:35	K108	OPER-ON	[redacted]
22:40:58	K108	OPER-OFF	
23:17:10	DP13	ONSCENE	

OPERATOR ASSIGNMENTS:

	K108	[redacted]
	DP09	[redacted]
AS OF 13:48:18	DP09	[redacted]
AS OF 14:04:22	DP09	[redacted]
AS OF 15:20:06	DP09	[redacted]
AS OF 16:00:10	DP09	[redacted]
AS OF 17:17:41	DP09	[redacted]
	DP13	[redacted]
AS OF 19:42:54	DP09	[redacted]
AS OF 19:53:19	DP13	[redacted]
AS OF 23:17:10	DP13	[redacted]

SFDPA - 0179-14 - 000485

3#35

ON DUTY:
OFF DUTY:

DAREA:
VEHICLE:

CONTROL:

MID:

FK:

RADIO: 1:

ID # 1

OPERATOR ASSIGNMENTS:

SFDPA - 0179-14 - 000486

ON DUTY: 19:12:20 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 19:56:14 03/21/2014 VEHICLE:
Offduty officer logon

RADIO: 1:

ID # 1

03/21/2014

19:12:20	DP13	ON-DUTY	BEAT:H0
19:12:20	DP13	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:42:54	DP09	ONSCENE	
19:56:14	DP13	CLEAR	NO 3H75 WORKING TODAY
19:56:14	DP13	OFF-DUTY	

OPERATOR ASSIGNMENTS: DP13 [redacted]
DP09 [redacted]
AS OF 19:56:14 DP13 [redacted]

SFDPA - 0179-14 - 000487

ON DUTY: 06:00:20 03/21/2014 DAREA: 3I CONTROL: 3I MID: FK:
OFF DUTY: 16:00:31 03/21/2014 VEHICLE: B1268
Taraval Station - Motorized Patrol

RADIO: 1:00017817

ID # 1 [redacted] VONG,JOHNNY C

03/21/2014

06:00:20	SLON	ON-DUTY	ID[redacted] NAME:VONG JOHNNY C/1210 BEAT:I3 VEHICLE:B1268 R ADIO:00017817
16:00:31	SLON	OFF-DUTY	

OPERATOR ASSIGNMENTS:

ON DUTY: 16:00:59 03/21/2014 DAREA: 3I CONTROL: 3I MID: FK:
OFF DUTY: 02:00:11 03/22/2014 VEHICLE: B1268
Taraval Station - Motorized Patrol

RADIO: 1:00013749

ID # 1 [redacted] STOKES,CAMERON ID # 2 [redacted] HAWES,SHYRLE

03/21/2014

16:00:59	SLON	ON-DUTY	ID[redacted] NAME:GUMMO JOSEPH F/0607 ID[redacted] NAME:HAWES,S HYRLE/4281 BEAT:I3 VEHICLE:B1268 RADIO:00018221/00013749
16:31:22	K145	OPER-ON	[redacted]
16:42:52	SLON	MOD-LGON	ID[redacted] NAME:STOKES,CAMERON/4307 ID[redacted] NAME:HAWES,S HYRLE/4281 VEHICLE:B1268 RADIO:00013749
16:47:52	K145	MISC	SFPDMDCCMDLINE MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
16:48:18	DP09	DISP-ENR	[redacted]
16:58:42	K145	ONSCENE	
17:03:21	K145	MISC	SFPDMDCCMDLINE MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
17:08:17	DP09	MISC	97 CB RO
17:12:59	DP09	REQCC	[redacted] assigned
17:13:34	DP09	MISC	ON CB RP ADV NO WAY HE CAN MAKE IT...GO AHEAD AND TOW VEH

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17:40:22	SLON	MOD-LGON	ID[redacted] NAME:HAWES,SHYRLE/4281 ID[redacted] NAME:STOKES,CA MERON/4307 VEHICLE:B1268
18:07:55	K145	ACKUNIT	
18:38:22	DP13	CLEAR	HAN
18:38:24	DP13	BACK-ENR	[redacted]
18:50:48	K145	CLEAR	ND, NEVER 97
18:50:55	K145	OUT	[redacted]
18:50:56	K145	MISC	TRAFFIC OP
18:51:02	K145	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:51:47	DP09	PREEMPT	
18:51:47	DP09	TFC-STOP	[redacted]
18:53:26	K145	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
18:54:30	K145	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
18:57:35	K145	CLEAR	CIT
18:57:44	K145	OUT	[redacted]
18:57:44	K145	MISC	TRAFFIC OP
19:02:06	K145	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
19:03:02	DP13	CLEAR	
19:04:36	DP09	TFC-STOP	[redacted]
19:05:03	DP09	NEWLOC	LOCATION: [redacted]
19:05:08	K145	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
19:13:58	K145	MISC	[redacted]
19:15:10	K145	MISC	[redacted]
19:15:32	K145	CLEAR	CIT
19:15:44	K145	MISC	TRAFFIC OP
19:15:44	K145	OUT	[redacted]
19:19:34	K145	PREEMPT	

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19:19:34	K145	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:19:34	K145	MISC	CODE 3 TARAVAL AND 32NS
19:22:54	K145	MISC	SHUT DOWN CODE 3
19:35:43	K145	MISC	97 BLOCKING EB TRAFFIC AT BERNAL HEIGHTS AND ANDERSON ST
19:43:02	DP09	ONSCENE	
19:56:34	DP13	CLOC-ONS	BERNAL HEIGHTS BL/ANDERSON ST
19:56:40	DP13	MISC	BLOCKING TRAFFIC

OPERATOR ASSIGNMENTS:

	K145	[redacted]
	DP09	
AS OF 17:08:17	DP09	
	DP13	
AS OF 18:51:47	DP09	
AS OF 19:03:02	DP13	
AS OF 19:43:02	DP09	
AS OF 19:56:34	DP13	

ON DUTY: 16:01:04 03/20/2014 DAREA: 3I CONTROL: 3I MID: FK:
OFF DUTY: 02:00:07 03/21/2014 VEHICLE: B1268
Taraval Station - Motorized Patrol

RADIO: 1:

ID # 1 [redacted] STOKES,CAMERON

03/21/2014

02:00:07	SLON	OFF-DUTY

OPERATOR ASSIGNMENTS:

SFDPA - 0179-14 - 000490

ON DUTY: 16:01:02 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 03:09:01 03/22/2014 VEHICLE:
Inspector - Co H

RADIO: 1:00014016

ID # 1 [redacted] CHAMBERS,ANGUS M

03/21/2014

16:01:02	SLON	ON-DUTY	ID[redacted]NAME:CHAMBERS ANGUS M/0972 BEAT:H0 RADIO:000140 16
19:11:44	K310	OPER-ON	[redacted]
19:15:26	K310	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:24:35	DP09	MISC	CERT RESPONDING
19:31:19	DP13	MISC	UNIT TO CANVAS AREA FOR WITNESSES
19:32:12	DP13	MISC	UNIT TO WALK UP FROM SOUTH ENTRANCE & 909'S UP ON HIGH GR OUND WHO MAY HAVE WITNESSED THIS
19:43:08	DP09	ONSCENE	

OPERATOR ASSIGNMENTS:

K310 [redacted]
DP09 [redacted]
DP13 [redacted]

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ON DUTY: 11:00:08 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:11:06 03/22/2014 VEHICLE:
Ingleside Station - Motorized Patrol

RADIO: 1:00016459

ID # 1 [redacted] PADILLA,OSCAR A

03/21/2014

11:00:08	SLON	ON-DUTY	ID [redacted] NAME:PADILLA OSCAR A/4052 BEAT:H5 RADIO:0001645 9
11:20:41	DP09	OUT	[redacted]
11:51:16	DP09	PREEMPT	
11:51:16	DP09	DISP-ENR	[redacted]
11:55:13	K075	OPER-ON	[redacted]
11:59:56	K075	ONSCENE	
12:05:07	K075	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
12:05:42	DP13	CODE-4	VER
12:05:46	DP09	PREEMPT	
12:05:46	DP09	DISP-ENR	[redacted]
12:05:54	DP13	CLEAR	HAN
12:06:04	DP13	BACK-ENR	[redacted]
12:06:24	DP13	ONSCENE	
12:06:48	DP13	PREEMPT	
12:06:48	DP13	BACK-ENR	[redacted]
12:09:37	DP13	QUERY	[redacted]
12:10:17	DP13	QUERY	[redacted]
12:14:05	DP13	REQCC	[redacted]
12:42:11	DP13	ONSCENE	
14:09:41	K075	OPER-ON	[redacted]
14:54:54	DP09	CLEAR	HAN
14:55:01	DP09	DISP-ENR	[redacted]
15:31:45	K075	CLEAR	HAN
15:33:24	DP09	DISP-ENR	[redacted]
15:59:59	DP09	PREEMPT	
15:59:59	DP09	DISP-ENR	[redacted]
16:06:03	DP09	CODE-4	[redacted]
16:06:15	DP09	CLEAR	HAN
16:06:18	DP09	DISP-ENR	[redacted]
16:15:54	K075	ONSCENE	
16:19:55	DP13	REQCC	[redacted]
16:24:27	K075	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:26:00	DP09	CLEAR	REP
16:26:07	DP09	DISP-ENR	[redacted]
16:29:27	K075	ONSCENE	

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16:52:40	DP09	CLEAR	HAN
19:19:27	DP13	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:43:14	DP09	ONSCENE	
19:43:42	DP09	CHGLOC	CO H,SF, ORIGINAL CALLER
19:58:41	DP13	ONSCENE	
19:58:52	DP13	ENROUTE	WILL CANVAS WEST SIDE
20:06:01	DP13	CHGLOC	BERNAL HEIGHTS PARK,SF
21:00:11	SLON	SCHD-OFF	
22:45:59	K075	OPER-ON	[redacted]
23:17:12	DP13	ONSCENE	

OPERATOR ASSIGNMENTS:

	DP09
	K075
	DP13
AS OF 12:05:46	DP09
AS OF 14:54:54	DP09
AS OF 15:33:24	DP09
AS OF 15:59:59	DP09
AS OF 16:19:55	DP13
AS OF 19:19:27	DP13
AS OF 19:43:14	DP09
AS OF 23:17:12	DP13

[redacted]

SFDPA - 0179-14 - 000493

ON DUTY: 11:00:08 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:10:34 03/22/2014 VEHICLE: B519
Ingleside Station - Motorized Patrol

RADIO: 1:00016493

ID # 1 [redacted] THOMPSON,GERALD S

03/21/2014

11:00:08	SLON	ON-DUTY	ID [redacted] NAME:THOMPSON GERALD S/4223 BEAT:H4 VEHICLE:B51 9 RADIO:00016493
11:20:44	DP09	ACKUNIT	
11:21:20	K106	OPER-ON	[redacted]
11:23:28	K106	OUT	[redacted]
11:26:56	K106	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
11:54:55	K106	CLEAR	HAN
11:55:18	K106	OUT	[redacted]
15:06:14	K106	CLEAR	HAN
15:59:01	DP09	DISP-ENR	[redacted]
15:59:53	DP09	PREEMPT	
15:59:53	DP09	DISP-ENR	[redacted]
16:02:42	K106	ONSCENE	
16:06:03	DP13	CODE-4	[redacted]
16:20:41	DP09	PREEMPT	
16:20:41	DP09	TFC-STOP	[redacted]
16:21:01	DP09	PREEMPT	
16:21:01	DP09	DISP-ONS	[redacted]
16:21:05	DP09	CLEAR	HAN
16:21:10	DP09	TFC-STOP	[redacted]
16:25:38	K106	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
16:29:14	K106	CLEAR	CIT
16:37:33	K106	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
16:38:41	DP09	TFC-STOP	[redacted]
16:40:20	K106	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted]

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			[redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
16:41:17	K106	CLEAR	ADV
16:54:24	DP09	OUT	[redacted]
16:58:32	K106	PREEMPT	
16:58:32	K106	ON-VIEW	[redacted]
16:58:55	K106	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: IN[redacted]
16:59:25	K106	MISC	D\42 QUERY 2: [redacted]
16:59:36	K106	MISC	D\46 QUERY 2: [redacted]
17:00:18	K106	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted]
17:00:57	K106	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
17:01:13	K106	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
17:30:58	DP13	NEWLOC	LOCATION[redacted] (D=3H 1800 [redacted]) RD: -->880
17:35:22	K106	CLEAR	HAN
18:08:51	DP09	DISP-ENR	[redacted]
18:18:06	K106	ONSCENE	
18:21:02	DP13	CODE-4	AREA SEARCHED GOA
18:39:42	K106	CLEAR	HAN
18:47:44	K106	ON-VIEW	[redacted]
18:51:37	K106	CLEAR	HAN
18:51:50	K106	ON-VIEW	[redacted]
19:13:29	DP09	NEWLOC	LOCATION[redacted] 899
19:20:27	K106	PREEMPT	
19:20:27	K106	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:43:14	DP09	ONSCENE	
19:51:11	DP13	DSPINFO	BERNAL HEIGHTS - WEST SIDE, OTHER SIDE OF BERNAL HEIGHTS
21:00:11	SLON	SCHD-OFF	

SFDPA - 0179-14 - 000495

OPERATOR ASSIGNMENTS:	DP09	[redacted]
	K106	[redacted]
AS OF 15:59:01	DP09	[redacted]
	DP13	[redacted]
AS OF 17:30:58	DP13	[redacted]
AS OF 18:08:51	DP09	[redacted]
AS OF 18:21:02	DP13	[redacted]
AS OF 19:13:29	DP09	[redacted]
AS OF 19:51:11	DP13	[redacted]

SFDPA - 0179-14 - 000496

ON DUTY: 08:00:30 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 16:00:28 03/21/2014 VEHICLE: C1146
Ingleside Station - Captain

RADIO: 1:00013382

ID # 1 [redacted] FALVEY,TIMOTHY J

03/21/2014

08:00:30	SLON	ON-DUTY	ID [redacted] NAME:FALVEY TIMOTHY J/1071 BEAT:H0 VEHICLE:C114 6 RADIO:00013382
16:00:28	SLON	OFF-DUTY	

OPERATOR ASSIGNMENTS:

ON DUTY: 19:47:29 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 01:14:38 03/22/2014 VEHICLE:
Offduty officer logon

RADIO: 1:

ID # 1

03/21/2014

19:47:29	DP05	ON-DUTY	BEAT:H0
19:47:29	DP05	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
20:05:49	DP05	ONSCENE	
21:32:43	DP13	CHGLOC	CO H,SF

OPERATOR ASSIGNMENTS: AS OF 20:05:49
DP05 [redacted]
DP05
DP13

SFDPA - 0179-14 - 000497

ON DUTY: 16:00:56 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 02:00:11 03/22/2014 VEHICLE: B1148
Ingleside Station - Motorized Patrol

RADIO: 1:00016061

ID # 1 [redacted] GONZALEZ,MIGUEL B

03/21/2014

16:00:56	SLON	ON-DUTY	ID[redacted] NAME:GONZALEZ MIGUEL B/1876 BEAT:H3 VEHICLE:B11 48 RADIO:00016061
16:21:50	K346	OPER-ON	A09292
16:26:50	DP09	REPLACE	3G13D[redacted]
16:31:16	K346	ONSCENE	
16:44:44	DP09	REQCC	[redacted] assigned
17:22:06	DP13	CLEAR	REP
17:42:02	DP13	MISC	CALL 909
17:42:33	DP13	DISP-ENR	[redacted]
17:43:00	DP13	ONSCENE	
17:43:36	DP13	MISC	ON CB 410 W/ 909
17:47:47	K346	CLEAR	[redacted]
17:55:08	DP09	BACK-ONS	[redacted]
18:07:54	DP13	CODE-4	NOM 800 CALLER
18:08:46	DP13	CLEAR	NOM
18:20:47	DP13	BACK-ENR	[redacted]
18:34:23	K346	ONSCENE	
18:53:25	K346	MISC	SFPDMDCCMDLINE MASK: QUERY 1:[redacted] QUERY 2:[redacted] QUERY 3:[redacted] QUERY 4:[redacted]
19:04:47	DP09	CLEAR	
19:04:51	DP09	DISP-ONS	[redacted]
19:04:53	DP09	CLEAR	GOA
19:28:29	DP13	BACK-ONS	140802955 A/221 BERNAL HEIGHTS PARK,SF
19:28:31	DP13	CHGLOC	CO H,SF, W/ 2 909'S, PER 3H105
19:35:36	DP13	MISC	CORRECTION: TX'D 1 909 TO CO H
20:13:34	DP13	ONSCENE	

OPERATOR ASSIGNMENTS:

	K346	[redacted]
	DP09	[redacted]
	DP13	[redacted]
AS OF 17:55:08	DP09	[redacted]
AS OF 18:20:47	DP13	[redacted]
AS OF 19:04:47	DP09	[redacted]
AS OF 19:28:29	DP13	[redacted]

SFDPA - 0179-14 - 000498

ON DUTY: 23:30:00 03/20/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 02:00:07 03/21/2014 VEHICLE:
Ingleside Station - Motorized Patrol

RADIO: 1:

ID # 1 [redacted] GONZALEZ,MIGUEL B ID # 2 [redacted] MORSE,ROGER C

03/21/2014

00:08:02	DP09	ACKUNIT
02:00:07	SLON	OFF-DUTY

OPERATOR ASSIGNMENTS: DP09 [redacted]

SFDPA - 0179-14 - 000499

ON DUTY: 20:26:29 03/21/2014 DAREA: UN CONTROL: UN MID: FK:
OFF DUTY: 01:15:03 03/22/2014 VEHICLE:
Offduty officer logon

RADIO: 1:

ID # 1

03/21/2014

20:26:29	DP05	ON-DUTY	BEAT:UN
20:26:29	DP05	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF
20:26:34	DP05	MISC	98 FROM HOJ
21:22:37	DP17	ONSCENE	

OPERATOR ASSIGNMENTS: DP05
DP17 [redacted]

SFDPA - 0179-14 - 000500

ON DUTY: 21:00:19 03/20/2014 DAREA: 3C CONTROL: 3C MID: FK:
OFF DUTY: 07:00:06 03/21/2014 VEHICLE:
BAYVIEW STATION - MOTORIZED

RADIO: 1:00018132

ID # 1 [redacted] MACIAS,JOSE L

03/21/2014

01:05:27	DP14	PREEMPT	
01:05:27	DP14	BACK-ENR	[redacted]
01:30:12	K157	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
01:34:11	DP10	PREEMPT	
01:34:11	DP10	ON-VIEW	[redacted]
01:34:13	K157	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
01:36:16	K157	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
01:44:04	K157	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
01:47:31	K157	CLEAR	[redacted]
01:56:44	DP10	BACK-ONS	[redacted]
01:57:38	DP10	CODE-4	GETTING INTO CFF'S
01:59:21	DP10	NEWLOC	LOCATION:CO C, SF ([redacted])-[redacted] [redacted] (D=3C 1700[redacted]) RD:341-->357A
01:59:37	DP10	CLOC-ONS	[redacted]
02:00:03	DP10	MISC	852 SUSP, POSS 221
02:00:09	DP14	NEWLOC	LOCATION:[redacted]
02:25:25	DP14	PREEMPT	
02:25:25	DP14	BACK-ENR	[redacted]
02:27:07	DP14	MISC	[redacted]

SFDPA - 0179-14 - 000501

02:36:38	K157	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
03:06:25	DP14	CHGLOC	CO C FU
03:06:57	DP14	ONSCENE	
06:18:28	DP10	PREEMPT	
06:18:28	DP10	OUT	[redacted]
07:00:06	SLON	OFF-DUTY	

OPERATOR ASSIGNMENTS:

	DP14
	K157
	DP10
AS OF 02:25:25	DP14
AS OF 03:06:25	DP14
AS OF 06:18:28	DP10

ON DUTY: 21:00:22 03/21/2014 DAREA: 3C CONTROL: 3C MID: FK:
OFF DUTY: 07:00:05 03/22/2014 VEHICLE:
BAYVIEW STATION - MOTORIZED

RADIO: 1:00013866

ID # 1 [redacted] EASTLUND,ERIC G

03/21/2014

21:00:22	SLON	ON-DUTY	ID:[redacted] NAME:EASTLUND ERIC G/1318 BEAT:C4 RADIO:0001386 6
21:19:13	DP10	OUT	[redacted]
21:39:00	K144	OPER-ON	[redacted]
21:39:21	K144	CLEAR	HAN
21:40:57	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
21:41:57	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
21:42:36	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
21:46:08	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
21:46:33	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
21:49:57	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY

SFDPA - 0179-14 - 000502

			2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
21:54:20	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
21:58:59	DP14	BACK-ENR	[redacted]
22:01:30	K144	ONSCENE	
22:02:22	K144	CLEAR	ND
22:05:59	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
22:09:42	DP10	ON-VIEW	[redacted]
22:09:51	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
22:10:45	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
22:11:29	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
22:12:26	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4 [redacted] QUERY 5: [redacted]
22:14:01	K144	MISC	[redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
22:15:44	DP14	MISC	ONE MORE UNIT C1 FOR 1035 SEARCH

SFDPA - 0179-14 - 000503

22:21:52	K144	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
22:29:05	K144	CLEAR	CIT
22:32:09	K144	BACK-ENR	140802955 A/221 CO H,SF
23:16:12	K144	ONSCENE	
23:28:49	K144	ACKUNIT	

OPERATOR ASSIGNMENTS:

DP10 [redacted]
K144 [redacted]
DP14 [redacted]

SFDPA - 0179-14 - 000504

ON DUTY: 21:12:50 03/21/2014 DAREA: 3D CONTROL: 3D MID: FK:
OFF DUTY: 23:25:06 03/21/2014 VEHICLE:
Offduty officer logon

RADIO: 1:

ID # 1

03/21/2014

21:12:50	DP13	ON-DUTY	BEAT:D0
21:12:50	DP13	BACK-ENR	140802955 A/221 BERNAL HEIGHTS BL/FOLSOM ST,SF, TO RELIEV E 3D13D
21:14:18	DP10	MISC	TO RELIEVE 3D13D
23:17:23	DP13	ONSCENE	
23:25:06	DP13	CLEAR	HAN
23:25:06	DP13	OFF-DUTY	

OPERATOR ASSIGNMENTS: DP13
DP10
AS OF 23:17:23 DP13 [redacted]

SFDPA - 0179-14 - 000505

ON DUTY: 07:00:00 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 07:00:12 03/21/2014 VEHICLE: B1211
Ingleside Station - Motorized Patrol
RADIO: 1:00016347 2: 00012994 00017875

ID # 1 [redacted] PEREGRINA,MARIA J ID # 2 [redacted] MCMILTON,MEAGHAN M

03/21/2014

07:00:00 NEW DAY
07:00:12 SLON OFF-DUTY
OPERATOR ASSIGNMENTS:

ON DUTY: 21:00:28 03/20/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 07:00:00 03/21/2014 VEHICLE: B1211
Ingleside Station - Motorized Patrol
RADIO: 1:00016347 2: 00012994 00017875

ID # 1 [redacted] PEREGRINA,MARIA J ID # 2 [redacted] MCMILTON,MEAGHAN M

03/21/2014

04:36:51 DP09 CLEAR HAN
04:36:59 DP09 OUT [redacted]
04:37:22 DP09 ONSCENE
04:43:35 DP09 CHGLOC [redacted]
04:51:50 K324 ONSCENE
05:28:01 K324 CLEAR HAN
06:00:03 K324 OPER-OFF [redacted]
07:00:00 END DAY
OPERATOR ASSIGNMENTS: DP09
AS OF 04:43:35 DP09 [redacted]
K324

ON DUTY: 21:00:31 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 07:23:46 03/22/2014 VEHICLE: B1211
Ingleside Station - Motorized Patrol
RADIO: 1:00012994 2: 00016347 00017875

ID # 1 [redacted] MCMILTON,MEAGHAN M ID # 2 [redacted] PEREGRINA,MARIA J

03/21/2014

21:00:31 SLON ON-DUTY ID [redacted] NAME:MCMILTON MEAGHAN M/2347 ID [redacted]
NAME:PER
EGRINA MARIA J/2266 BEAT:H1 VEHICLE:B1211
RADIO:00012994/00016347/00017875

SFDPA - 0179-14 - 000506

21:14:19	K014	OPER-ON	[redacted]
21:26:11	K014	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
21:26:59	DP09	TFC-STOP	[redacted]
21:27:44	K014	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted]
21:28:36	K014	CLEAR	ADV
21:31:03	DP13	BACK-ENR	140802955 A/221 FOLSOM ST/BERNAL HEIGHTS BL,SF
21:40:29	K014	CLEAR	22
21:45:59	K014	ON-VIEW	[redacted]
22:01:29	K014	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
22:01:42	K014	CLEAR	HAN
22:03:04	DP09	TFC-STOP	[redacted]
22:03:08	DP09	UNAVAIL	
22:03:56	DP09	CLEAR	ND
22:03:57	DP09	BACK-ENR	[redacted]
22:07:23	K014	ONSCENE	
22:18:34	K014	CLEAR	ABA
22:36:26	K014	ON-VIEW	[redacted]
22:42:17	DP13	PREEMPT	
22:42:17	DP13	DISP-ENR	[redacted]
22:42:43	DP09	PREEMPT	
22:42:43	DP09	DISP-ONS	[redacted]
22:42:44	DP09	CLEAR	ND
22:42:47	DP09	DISP-ENR	[redacted]
22:55:04	K014	ONSCENE	
23:04:36	DP13	CODE-4	SUSP GOA
23:15:06	K014	CLEAR	HAN, [redacted]
23:15:34	DP13	SUBJSTOP	[redacted]
23:16:42	K014	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] IN L1GOMEZMIRANDA,CARLOS B112087
23:24:21	DP09	CLEAR	CIT

SFDPA - 0179-14 - 000507

23:24:24	DP09	DISP-ENR	[redacted]
23:28:13	K014	ONSCENE	
23:29:13	DP13	CODE-4	GOA
23:29:23	DP13	CLEAR	

OPERATOR ASSIGNMENTS:

	K014	[redacted]
	DP09	
	DP13	
AS OF 22:03:04	DP09	
AS OF 22:42:17	DP13	
AS OF 23:04:36	DP13	
AS OF 23:24:21	DP09	

SFDPA - 0179-14 - 000508

ON DUTY: 18:30:00 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 21:00:08 03/21/2014 VEHICLE: B1138
Ingleside Station - Motorized Patrol

RADIO: 1:

ID # 1 [redacted] GARON-FERMO, JAMIE L

03/21/2014

18:30:00	SLON	ON-DUTY	ID:[redacted] NAME:GARON FERMO JAMIE L/1684 BEAT:H5 VEHICLE:B 1138
21:00:08	SLON	OFF-DUTY	

OPERATOR ASSIGNMENTS:

ON DUTY: 21:00:28 03/20/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 07:12:05 03/21/2014 VEHICLE: B1138
Ingleside Station - Motorized Patrol

RADIO; 1:00018195

ID # 1 [redacted] JONES,CRISPIN S ID # 2 [redacted] BIAGINI,RAYMOND

03/21/2014

00:12:16	K075	CLEAR	CIT
00:13:39	DP09	DISP-ONS	[redacted]
00:13:44	DP09	CLOC-ONS	CO H F/U
01:08:23	K075	CLEAR	REP
01:20:16	DP09	DISP-ENR	[redacted]
01:20:19	DP09	CLEAR	NOM
01:34:47	DP09	DISP-ENR	[redacted]
01:35:28	DP13	ONSCENE	
01:40:21	DP13	CODE-4	UTL IAO SEARCHING
01:50:29	K075	CLEAR	GOA
01:50:42	K075	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
01:51:01	DP09	TFC-STOP	[redacted]
01:54:51	K075	MISC	MONSTR MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]

SFDPA - 0179-14 - 000509

01:58:11	K075	CLEAR	ADV
01:58:23	K075	BACK-ENR	[redacted]
01:59:26	K075	ONSCENE	
02:09:57	K075	CLEAR	ND
02:10:14	K075	BACK-ENR	[redacted]
02:10:24	DP09	ONSCENE	
02:14:40	K075	CLEAR	ND
02:49:09	DP09	BACK-ENR	[redacted]
02:51:53	DP13	ONSCENE	[redacted]
02:54:21	DP13	MISC	[redacted]
02:54:24	DP09	MISC	C/33
03:38:08	DP13	REQCC	[redacted] assigned
04:04:38	DP09	MISC	STILL 97
04:11:33	K075	CHGLOC	CO H,SF, F/U
04:18:59	K075	ONSCENE	
07:00:16	SLON	SCHD-OFF	
07:12:05	DP09	CLEAR	
07:12:05	DP09	OFF-DUTY	

OPERATOR ASSIGNMENTS:

	K075
	DP09
AS OF 01:20:16	DP09
	DP13
AS OF 02:10:24	DP09
AS OF 02:51:53	DP13
AS OF 03:38:08	DP13
AS OF 04:04:38	DP09
AS OF 07:12:05	DP09

[redacted]

ON DUTY: 21:00:34 03/21/2014 DAREA: 3H CONTROL: 3H MID: FK:
OFF DUTY: 07:04:12 03/22/2014 VEHICLE: B1138
Ingleside Station - Motorized Patrol

RADIO: 1:00016178

ID # 1 [redacted] HAUSCARRIAGUE,TOM L

03/21/2014

21:00:34	SLON	ON-DUTY	ID[redacted] NAME:GARON FERMO JAMIE L/1684 ID[redacted] NAME:HA USCARRIAGUE TOM L/2332 BEAT:H5 VEHICLE:B1138 RADIO:00016178
21:22:20	K324	OPER-ON	[redacted]
21:26:27	K324	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2 [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
21:26:41	K324	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY [redacted]
21:27:05	K324	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted]

SFDPA - 0179-14 - 000510

			[redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
21:27:51	DP09	ON-VIEW	[redacted]
21:30:16	K324	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
21:31:16	K324	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted] QUERY 5: [redacted]
21:34:55	DP09	NEWLOC	[redacted]
21:42:29	K324	CLEAR	ADV
21:50:29	K324	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
21:52:44	DP09	DISP-ENR	[redacted]
22:00:44	K324	MISC	SFPDMDCCMDLINE MASK: QUERY 1: [redacted] QUERY 2: [redacted] QUERY 3: [redacted] QUERY 4: [redacted]
22:06:34	DP09	PREEMPT	
22:06:34	DP09	DISP-ENR	[redacted]
22:13:06	K324	ONSCENE	
22:16:15	DP13	CODE-4	[redacted]
22:23:44	K324	MISC	[redacted]
22:31:52	K324	MISC	[redacted]
22:36:18	K324	CLEAR	ABA
22:37:26	K324	OUT	[redacted]
22:38:10	DP09	NEWLOC	LOCATION [redacted]
22:45:35	DP09	CLEAR	
22:45:44	DP09	BACK-ENR	140802955 A/221 BERNAL HEIGHTS PARK,SF, 98 TO COMMAND POS T

SFDPA - 0179-14 - 000511

OPERATOR ASSIGNMENTS:	K324	[redacted]
	DP09	[redacted]
AS OF 21:52:44	DP09	[redacted]
	DP13	[redacted]

SFDPA - 0179-14 - 000512

Route Print

FROM: CABLE ISN: 31786 DATE: 03/27/14 TIME: 15:46:03 ADMIN MSG
TO: CT15XOCA OSN: 00080 DATE: 03/27/14 TIME: 15:46:05
INCACCNO= 140240512 BAGNO= 001 BAGTYPE= TE STOREDIN= F011 LOCATION= 21
HOLD= DESCRIPTION= CD/STMT/LOG/ME RECEIPT
INCACCNO= 140240512 BAGNO= 002 BAGTYPE= WP STOREDIN= D448 LOCATION= 15
HOLD= DESCRIPTION= SIG SAUER P226 40 CAL,MAG,AMMO CHEW #2088
INCACCNO= 140240512 BAGNO= 003 BAGTYPE= WP STOREDIN= D448 LOCATION= 16
HOLD= DESCRIPTION= SIG SAUER P226 40 CAL,MAG AMMOOFFICER (SCHIFF)#1968
INCACCNO= 140240512 BAGNO= 004 BAGTYPE= WP STOREDIN= D448 LOCATION= 17
HOLD= DESCRIPTION= SIG SAUER P226 40 CAL,SGT SAWYER #1127,2 MAGS,AMMO
INCACCNO= 140240512 BAGNO= 005 BAGTYPE= WP STOREDIN= D448 LOCATION= 18
HOLD= DESCRIPTION= SIG SAUER P226 40 CAL,3 MAGS,AMMO S[redacted]
INCACCNO= 140240512 BAGNO= 006 BAGTYPE= TE STOREDIN= FRZR LOCATION= A229
HOLD= DESCRIPTION= SWABS WATER CONTROL/WET-DRY GRIP
INCACCNO= 140240512 BAGNO= 007 BAGTYPE= TE STOREDIN= FRZR LOCATION= A229
HOLD= DESCRIPTION= NEWSPAPER/BRM PAPER BAG
(CONT.)

SFDPA - 0179-14 - 000513

Route Print

```
FROM: CABLE                ISN: 31787 DATE: 03/27/14 TIME: 15:46:03 ADMIN MSG
TO:   CT15XOCA             OSN: 00081 DATE: 03/27/14 TIME: 15:46:24
INCACCNO= 140240512  BAGNO= 008  BAGTYPE= TE  STOREDIN= F015  LOCATION= 4
  HOLD=   DESCRIPTION= CASINGS
INCACCNO= 140240512  BAGNO= 009  BAGTYPE= TE  STOREDIN= F015  LOCATION= 5
  HOLD=   DESCRIPTION= CASINGS
INCACCNO= 140240512  BAGNO= 010  BAGTYPE= TE  STOREDIN= F015  LOCATION= 7
  HOLD=   DESCRIPTION= LIGHTERS/ PEPPER SPRAY/ SUNGLASSES/ VISINE BOTTLE
                                  *** PROPERTY HAS BEEN SIGNED OUT ***
INCACCNO= 140240512  BAGNO= 011  BAGTYPE= TE  STOREDIN= F015  LOCATION= 8
  HOLD=   DESCRIPTION= TASER/ CARTRIDGES
INCACCNO= 140240512  BAGNO= 012  BAGTYPE= TE  STOREDIN= F015  LOCATION= 9
  HOLD=   DESCRIPTION= HANDCUFFS
                                  *** PROPERTY HAS BEEN SIGNED OUT ***
INCACCNO= 140240512  BAGNO= 013  BAGTYPE= TE  STOREDIN= F015  LOCATION= 12
  HOLD=   DESCRIPTION= CIGARETTES/ CIG PACK/ MUNI TRANSFER
 (CONT.)
```


SFDPA - 0179-14 - 000514

Route Print

FROM: CABLE ISN: 31788 DATE: 03/27/14 TIME: 15:46:03 ADMIN MSG
TO: CT15XOCA OSN: 00082 DATE: 03/27/14 TIME: 15:46:31
INCACCNO= 140240512 BAGNO= 014 BAGTYPE= TE STOREDIN= F017 LOCATION= 27
HOLD= DESCRIPTION= PROPERTY FROM S VE RECOVERED BY BURKE/BONNER, I PAD, TAZ
AR PAPERWORK, [redacted]
INCACCNO= 140240512 BAGNO= 015 BAGTYPE= TE STOREDIN= F017 LOCATION= 28
HOLD= DESCRIPTION= ME EVIDENCE ENLOPE (BURKE 03/22/14 FROM ME0 SET OF KEYS
I PHONE LOCKED
INCACCNO= 140240512 BAGNO= 016 BAGTYPE= BG STOREDIN= F018 LOCATION= 29
HOLD= DESCRIPTION= TAZER BOX WITH SER3 [redacted], TARGET
** END OF OUTPUT **

SFDPA - 0179-14 - 000515

SAN FRANCISCO POLICE DEPARTMENT

USE OF FORCE LOG

Reporting Period: Beginning 3/16/14 (Mo. Day Yr.) Ending 3/31/14 (Mo Day. Yr.)

No. 0160 P. 2

DATE	CASE NUMBER	OFFICER USING FORCE NAME & STAR #	REVIEWING SUPERVISOR NAME & STAR #	PHYSICAL CONTROL ✓	STRIKE BY FIST OR OBJECT ✓	CHEMICAL AGENT/MACE/O.C. ✓	BATON/STRIKE OR JAB ✓	CAROTID RESTRAINT ✓	FIREARM ✓	SUSPECT INJURED	SUSPECT COMPLAINT OF INJURY	OFFICER INJURED DURING USE OF REPORTABLE FORCE	COMMENTS
[redacted]													
3/21/14	140 240 512	SGT. SAWYER #1127	SGT. RISKIN 1915						✓	Yes No Unk	Yes No	Yes No	FIREARM DISCHARGE AT ARMED SUSPECT
3/21/14	140 240 512	OFF. SCHIFF #1968	SGT. RISKIN 1915						✓	Yes No Unk	Yes No	Yes No	FIREARM DISCHARGE AT ARMED SUSPECT
3/21/14	140 240 512	OFF. MORSE #1923	SGT. RISKIN 1915						✓	Yes No Unk	Yes No	Yes No	FIREARM DISCHARGE AT ARMED SUSPECT
3/21/14	140 240 512	OFF. CHEW #2088	SGT. RISKIN 1915						✓	Yes No Unk	Yes No	Yes No	FIREARM DISCHARGE AT ARMED SUSPECT
[redacted]													

Captain Tim Falvey #1071

COMMANDING OFFICER (SIGNATURE)

Ingleside

UNIT

FORWARD ONE COPY TO: BUREAU HEADQUARTERS. FORWARD COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER, M.C.D. AND TRAINING DIVISION.

1ST AND 15TH OF EACH MONTH

SFPD 128 (Rev. 3/05)

Apr. 10. 2014 2:30PM

SFDPA - 0179-14 - 000516

San Francisco Police Department

Report Type: **Initial**

INCIDENT REPORT

140240512

INCIDENT

Incident Number	Occurrence From Date / Time	Occurrence To Date / Time	Reported Date / Time	CAD Number
140-240-512	03/21/2014 19:11		03/21/2014 19:12	140802955

Type of incident: ASSAULT, AGGRAVATED, ON POLICE OFF., W/ OTHER WEAPON 04073

Location of Occurrence:	At Intersection with/Premise Type	District
FOLSOM ST	BERNAL HEIGHTS BLVD / PARK	INGLESIDE

Confidential Report?	Arrest Made?	Suspect Known?	Suspect Unknown?	Non-Suspect Incident?	Domestic Violence?	(Type of Weapon Used)	Reporting Unit
☐	☐	☐	☑	☐	☐		3H11D

Location Sent / On View:	At Intersection with	Reporting District
FOLSOM ST	BERNAL HEIGHTS BLVD	INGLESIDE

How Cleared?	Reported to Bureau	Name	Star	Date/ Time	Elder Victim	Gang Related?	Juvenile Subject?	Prejudice Based?
	DOC	Fuentes, Lara M	2418	03/21/2014 19:22	☐	☐	☐	☐

140240512

OFFICER DECLARATION

I declare under penalty of perjury, this report of **_6_** pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.

PROP 115 CERTIFIED 5 Year/Post

Reporting Officer	Star	Station	Watch	Date
DILAG, ROEL V	173	Ingleside Station	1600-0200	03/22/14 17:56
Reviewing Officer	Star	Station	Watch	Date
RISKIN, SETH J	1915	Ingleside Station	1500-0100	03/22/14 18:01
OIC	Star	Station	Watch	Date
YEE, HENRY B	2193	Ingleside Station	1500-0100	03/22/14 19:18

Related Case	Related Case	Re-assigned to	Assigned to 5H200	Assigned by
--	--	Copies to 5H200 3*300	Add'l Copies	RD 173

R/VICTIM 1

Code	Name (Last, First Middle)	Alias	Email
R/V 1	SGT SAWYER, SFPD #1127		

Day Phone	Type	Home Address	City	State	Zip Code

Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.
	☐										

Confidential Person	Violent Crime Notification	293 PC Notification	Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐		YES ☐	YES ☐	

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
		CO. H/ 1 SGT JOHN V. YOUNG LN

R/VICTIM 2

Code	Name (Last, First Middle)	Alias	Email
R/V 2	OFFICER SCHIFF, SFPD 1968		

Day Phone	Type	Home Address	City	State	Zip Code

Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.
	☐										

Confidential Person	Violent Crime Notification	293 PC Notification	Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐		YES ☐	YES ☐	

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
		CO. H/ 1 SGT JOHN V. YOUNG LN

SFDPA - 0179-14 - 000517

San Francisco Police Department
INCIDENT REPORT

Report Type: **Initial** — **140240512**

R/V VICTIM 3

Code	Name (Last, First Middle)	Alias	Email
R/V 3	OFFICER MORSE, SFPD #1923		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
		CO. H/ 1 SGT JOHN V. YOUNG LN

R/V VICTIM 4

Code	Name (Last, First Middle)	Alias	Email
R/V 4	OFFICER CHEW, SFPD #2088		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
		CO. H/ 1 SGT JOHN V. YOUNG LN

WITNESS 1

Code	Name (Last, First Middle)	Alias	Email
W 1	UNKNOWN, UNKNOWN		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk. ☑	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
		[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
		NFI

R/W WITNESS 1

Code	Name (Last, First Middle)	Alias	Email
R/W 1	[redacted]		[redacted]

Day Phone / Type	Home Address	City	State	Zip Code
[redacted] Cell	[redacted]	[redacted]	[redacted]	[redacted]

Night Phone / Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted] / [redacted]			[redacted]	[redacted]					[redacted]

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☑	Statement YES ☑	Relationship to Subject
					[redacted]

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

SFDPA - 0179-14 - 000518

San Francisco Police Department

Report Type: **Initial** **INCIDENT REPORT** **140240512**

WITNESS 2

Code	Name (Last, First Middle)	Alias	Email
R/W 2	[redacted]		[redacted]

Day Phone Type	Home Address	City	State	Zip Code
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Night Phone Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted]			[redacted]	[redacted]					[redacted]

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☑	Statement YES ☑	Relationship to Subject
					[redacted]

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

SUSPECT 1

Code	Name (Last, First Middle)	Alias	Email
S 1	DOE, JOHN		

Day Phone Type	Home Address	City	State	Zip Code
Night Phone Type	Work Address	City	State	Zip Code

DOB	Date of Birth Age	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color
Unknown ☑		25 and 30	H	M			UNK	UNK

SFNO	J/D# (if Juvi)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number

Booking Charge(s)	Booking Location

Warrant #	Court#	Action#	Dept#	Enroute to

Warrant Violation(s)	Bail ($)

Citation#	Violation(s)	Appear Date/time	Location of Appearance

☐ CA Form Booked Copy Attached	Mirandized: Star ☐	Date Time	CWB Check Star

Book/Cite Approval Star	Mass Arrest Code	M X-Rays ☐	School (if Juvenile)	Statement ☐

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos
WEARING: RED JACKET, BLK PANTS. DECEASED.

PROPERTY E 1

Code/No	Item Description	Brand	Model
EVD 1	CD		

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
					3	TBD

Seized by (Star)	From Where
1644	CO H

Additional Description/Identifying Numbers
Three CD's containing photographs of the scene

PROPERTY E 2

Code/No	Item Description	Brand	Model
EVD 2	WRITTEN STATEMENT		

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
					2	TBD

Seized by (Star)	From Where
1644	CO H

Additional Description/Identifying Numbers
[redacted] written statement, two pages

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PROPERTY								
	E 3	Code/No EVD 3	Item Description CRIME SCENE LOG			Brand		Model
		Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 3	Value TBD
		Seized by (Star) 1644	From Where CO H					
		Additional Description/Identifying Numbers Crime Scene Log maintained by Ofc Garon #1684						

PROPERTY								
	E 4	Code/No EVD 4	Item Description MEDICAL EXAMINER PROPERTY RECEIPT			Brand		Model
		Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value TBD
		Seized by (Star) 1644	From Where CO H					
		Additional Description/Identifying Numbers Medical Examiner Property Receipt for John Doe						

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NARRATIVE

On 3/21/14 at 1919 hrs, Headquarters sent several Ingleside units to Bernal Heights Park located in the area of Folsom St. and Bernal Heights Blvd on a report of a Latin male in a bright red jacket, 6'1", 200 lbs, black pants with a black gun on his hip. Headquarters further provided information that the suspect was standing on the north hillside of Bernal Hill, pacing back and forth by a chain link fence by a bench, eating chips or sunflower seeds while resting his hand on the gun.

As we made our way to the area, Headquarters provided information that the suspect was walking down the hill towards Folsom St. Ofc Snadow #1644 and I arrived at the Folsom St. side entrance of Bernal Height Park , we saw three patrol cars with one of the patrol cars maneuvering through a small open space next to the locked entrance way to the park. I saw this patrol car drive up the pathway. As Ofc Snadow maneuvered to park our patrol car, I saw a glimpse of (S) Doe wearing a red jacket standing in the distance, up the hill on the pathway of Bernal Heights Park where the patrol car that had driven through entrance was traveling towards. As we made our way up the pathway on foot, I heard someone say over the radio that they were contacting a person. Ofc Snadow and I ran up the hill as another patrol car sped past us. As I ran up the pathway, it curved around along the side of the hill, thus I lost sight of the patrol cars momentarily. As we ran, we heard several loud gunshots coming from the direction of where the patrol units were headed to. I then heard (RV1) Sgt Sawyer #1127 broadcast, "Shots fired, shots fired." When I arrived at the patrol cars and from that vantage point, I saw Doe with blood on his head, lying prone on the ground with what appeared to be a black pistol shaped object on the ground next to him. Sgt Sawyer requested an ambulance code-3 to the scene while (RV2) Ofc Schiff #1968 rendered aid to the person on the ground. I walked over to the black object and while standing directly over it, I saw a taser which appeared to have been deployed because its prongs were detached from its main body. I also saw (RV3) Ofc Morse at the scene.

Immediately after, several other units arrived and cordoned off the area. A crime scene log was started and maintained by Ofc Garon #1684. See attached statement by Ofc Garon for details.

Sgt Riskin #1915 arrived and took charge of the scene. Sgt Riskin identified all the officers who directly encountered and engaged Doe. At this time Sgt Riskin was notified of the use of force (approximately at 1921 hrs). Sgt Sawyer, Ofc Schiff, Ofc Morse and (RV4) Ofc Chew #2088 were separated and transported individually to Co. H. See attached statement by Sgt Riskin for details.

Sgt Riskin made the all necessary notifications for the incident as well as took photographs of the scene where he saved it onto (E1)CD.

Medic 89 and Engine 11 arrived on scene for Doe. Rescue Capt. 3 Pung pronounced Doe deceased at 1928 hrs.

Lt Delgadillo #758 arrived at the scene and was notified of the use of force by Sgt Riskin. Lt. Delgadillo assumed command of the incident.

3H13D, Ofc Gonzales #1876 and Ofc Aylworth #480 located (RW1) [redacted] and (RW2) [redacted] and transported them to Co. H. See Ofc Gonzalez's statement for details.

Ofc Snadow and I along with several other officers canvassed the area for additional victims and witnesses and surveillance cameras, to no avail.

Ofc Snadow and I maintained watch over the south/west perimeter of the crime scene. We were relieved by Ofc Delgadilla and returned back to Co. H.

CSI, Insp. Shoudice #2054, Ofc Nibungco #2390, Ofc Rodelas #729 and Ofc Roude #1974 arrived and processed and collected all evidences at the scene.

Medical Examiner Fernandez #113 arrived at scene and seized Doe's body and gave Ofc Garon (E4) property

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receipt.

At Co. H, I met with [redacted] and he related to me the following. [redacted] said he was walking his dogs with his [redacted] at the pathway at the hill of Bernal Heights Park. Near the chain link fence he was alerted by [redacted] of a person in a red jacket that they had just walked past who had a gun in his waistband and to call the police. [redacted] after confirming with [redacted] whether he was sure of what he saw, then called the police. Although [redacted] said he did not see the gun, he observed the lone person in the red jacket, pacing back and forth as if he was merely loitering while chewing on something. [redacted] said that there was another (W) person who was walking his dog who also saw the gun on Doe. [redacted] said minutes after dialing 911, he heard several gunshots causing them to run down a side pathway towards Bonview St.

[redacted] wrote (E2) statement. Per [redacted] statement, he was walking his dogs with [redacted] when he saw the person in the red jacket resting his hand on a pistol that was at his waistband. [redacted] alerted [redacted] on what he saw and to dial 911. Another person who was walking behind them with his dog told [redacted] and [redacted] that he saw the gun on the subject too. After seeing that, the subject began walking down the hill towards [redacted] and [redacted] The two [redacted] walked off the main pathway to an adjacent side pathway towards Bonview St. Moments later [redacted] heard 10 to 15 gunshots. See attached copy of [redacted] (E2) written statement for details.

Sergeant Cagney #341 of Homicide arrived at Co. H and took over the investigation and interviews with [redacted] and [redacted].

At Co. H, Ofc Antonian #2109 gave me a (E1) CD's containing photographs he took of the scene. See Ofc Antonian's statement for details.

Ofc Snadow typed a statement regarding his participation and observation at the scene. See Ofc Snadow's statement for details.

Sgt Hall #567 typed a statement regarding his participation at the scene. See Sgt Hall's attached statement for details.

Ofc Snadow booked the CD, crime scene log, statements and the medical examiner receipt at Co. H.

Sgt. Riskin made entries to the use of force log at Ingleside Station.

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Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

140240512

Incident Report *Statement*

INCIDENT NO.

1	4	0	2	4	0	5	1	2

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Hall, Hugh D 567			415/671-2300

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		201 Williams Street, SF	94124-2558

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/21/14	21:30	22:05	At Scene ☐ Other: POTR

On the above date and time, I responded to Bernal Park (near the dead end of Folsom St) on the report of an officer involved shooting. Upon arrival, I made contact with 3H109 Sgt Riskin #1915. I assisted Sgt Riskin in coordinating the crime scene and subsequent investigation.

I observed a deceased latin male suspect laying in the middle of the roadway, with apparent gunshot wounds to his face. There were numerous bullet casings in and around the area. Laying on the ground near the suspect was a tazer type hand-held weapon. It appeared that the tazer had been deployed/fired as the wires were strewn about the roadway. The suspect was wearing an exposed belt holster (presumably for the tazer). There were other items strewn about the roadway near the latin male.

The weather/scene conditions at this time were as follows; dusk was approaching, it was not raining, there was significant wind blowing (as Bernal Park is on the top of a large hill). Due to the strong wind gusts, I became concerned that some of the items/evidence near the latin male would blow away and possibly be lost after nightfall.

In order to preserve evidence items around the suspect, I introduced several weighted items into the crime scene to prevent them from blowing away:
-A pack of cigarettes and loose U.S. paper currency were covered by a new plastic wrapped paramedic blanket.
-A black baseball cap was weighted down by a cardboard box 12 pack of 'Squirt' soda.
-A fist sized rock was placed over the loose tazer wires.
-A fist sized rock was placed over a folded portion of newspaper.

Based on the proximity of these items, I believed that they were personal items of the latin male and to be considered as evidence. It should be noted that I was mindful not to cover or move the latin males body when I took the above actions. Additionally, I did not touch or move any items/evidence. I attempted to maintain the position and integrity of each item as much as possible. It should be noted that Sgt Riskin photographed the latin male, personal items, and surrounding area prior to my actions.

I remained at the crime scene until the CSI teamed arrived. I advised the CSI team of my actions. I walked through the crime scene with them(CSI) in order to specifically identify the above listed items. It remained rather windy throughout this incident and investigation. CSI subsequently processed the scene.

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Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

140240512

Incident Report *Statement*

INCIDENT NO.

1	4	0	2	4	0	5	1	2

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Gonzalez, Miguel B 1876			415/404-4000

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		1 Sgt. John V. Young Lane, SF	94112

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/21/14	22:45	22:45	At Scene ☐ Other: INGL

On Friday 3/21/14 at approximatly 1911 Hrs, Officer Aylworth #480 and I responded to 251 Bernal Hieghts on a call regarding a person with a gun.

Upon arrival we were directed by 3H105 Sgt Walker #1121 to transport (W1) [redacted] and (W2) [redacted] to Ingleside Station for further investigation.

SFDPA - 0179-14 - 000524

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

140240512

Incident Report *Statement*

INCIDENT NO.

1	4	0	2	4	0	5	1	2

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Antonian, Tigran 2109			415/553-9104

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		850 Bryant Street, SF	94103

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/22/14	00:30	00:44	At Scene ☐ Other: VRT

On Friday, March 21st 2014 at approximately 1918 hours I responded to Bernal Park (near the dead end of Folsom St) on the report of an officer involved shooting.

Upon my arrival, I made contact with (3H109) Sergeant Riskin #1915. Numerous units responded to the scene for assistance.

Using my department issued Samsung Galaxy phone I took 25 photographs of the scene and later saved the images on a compact disc. I made a copy of the compact disc and later hand delivered both of them to Officer Dilag #173 at Ingleside Station.

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Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

140240512

Incident Report *Statement*

INCIDENT NO.

1	4	0	2	4	0	5	1	2

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Snadow, Samuel A 1644			415/404-4000

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		1 Sgt. John V. Young Lane, SF	94112

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/22/14	00:48	00:48	At Scene ☐ Other: INGL

On 03/21/2014 at 1912hrs, Officer Dilag #173 and I were in full police uniform in a marked police vehicle. We responded to a person with a gun inside Bernal Heights Park.

Upon arrival, I saw Officer Schiff #1968 and Sergeant Sawyer #1127, in a marked police vehicle, enter Bernal Heights Park off of Folsom Street. I parked my marked police vehicle in the parking lot on the north east side of Bernal Heights Park off of Folsom Street. I saw a person in a red jacket approximately half way up the walkway on the north east side of Bernal Heights Park. I saw a marked police vehicle stop in front of the individual with a red jacket.

As I started to run up towards the marked police vehicle that was halfway up the pathway I heard over the radio "Code 33," and then I heard what I believed to be multiple gunshots. I hugged the mountain side to provide cover, which curved around and obscured my view. I was unable to see the marked police vehicle, officers, or person in the red jacket. I heard an officer shout "covering" and then I heard another round of what I believed to be gunshots. I heard over the radio that there was an Officer involved shooting. I saw another marked police vehicle drive past me up toward the other marked police vehicle. As I approached the marked police vehicle, I came around the bend in the mountain face and saw multiple officers. I saw officers fire their firearm. The officers had their firearms drawn, pointed at an individual who was lying on his stomach on the ground facing the officers.

I started to move closer to the suspect to render the scene safe. On the ground I noticed what I believed to be a taser gun next to the suspect. The taser gun was black in color and appeared to have been deployed as I saw two long strands of coiled wire dispersed around the taser gun. I also saw what I believed to be a canister of pepper spray next to the suspect. I also saw what I believed to be a gun holster on the suspect's hip.

The suspect appeared to be injured, as I saw blood around the suspects face. An officer placed the suspect into handcuffs and then rolled him over. I conducted a brief pat search of the suspect for additional weapons with negative results.

I then was detailed to hold the perimeter line southwest of the crime scene. Additionally, I cased the area for victims or witnesses to the incident with negative results.

SFDPA - 0179-14 - 000526

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

140240512

Incident Report *Statement*

INCIDENT NO.

1	4	0	2	4	0	5	1	2

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Garon Fermo, Jamie L 1684			415/666-8000

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		461 6th Avenue, SF	94118-3009

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/22/14	01:15	01:15	At Scene ☐ Other: INGL

On 03/21/14 at approximately 1942 hours, Sgt.Chan #1484 and I responded to a officer involved shooting at Bernal Heights Park.

I arrived on scene and started and maintained a critical incident log.

Officer Nibunco #2390, Officer Rodelas #729, Inspecter Shouldice #2054 from CSI arrived on scene at approximately 2020 hours and collected and process the evidence.

Medical Examiner Fernandez #113 gave me the Medical Examiner's Property Receipt for (S1) John Doe, which I later gave to Officer Snadow #1644 at Ingleside Police Station.

I handed the crime scene log to Officer Snadow #1644 at Ingelside police Station which he booked as evidence.

SFDPA - 0179-14 - 000527

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

140240512

Incident Report *Statement*

INCIDENT NO.

1	4	0	2	4	0	5	1	2

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Riskin, Seth J 1915			415/404-4000

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		1 Sgt. John V. Young Lane, SF	94112

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/22/13	01:50	02:25	At Scene ☐ Other: INGL

On 3/21/14 At 1911 hours I was on patrol in full uniform and a marked police vehicle. I responded to a 911 call of a person with a gun at the park on the side of Bernal Heights Hill. As I closed to within six blocks of the location, I heard via pic radio, 3H104, Sgt. Sawyer #1127 advise that units had located a possible suspect. Several seconds later, I heard a code 33 broadcast and that shots had been fired. I heard Sgt. Sawyer advise that a suspect had been shot and was down, and that a code 3 ambulance was requested.

I arrived on scene shortly thereafter, and I assumed command of the scene. I contacted Sgt. Sawyer who advised me that all officers were safe and accounted for and uninjured. For public safety, I asked Sgt. Sawyer if any other parties had been struck or were involved. Sgt. Sawyer advised that only the suspect had been and that no other parties were injured other than the suspect. I assessed the scene and determined its extent and security, and that it was in fact contained and secure.

I then made notifications to D.O.C., and Captain Osuna, 3X302. I then established a command post and advised dispatch of the location of the command post, to be broadcast to responding personnel. I then then returned to the crime scene and I took 7 digital photographs of the scene from 4 different angles. The photos were taken with my department issued smartphone. I took these photographs so that the scene would documented as it was prior to any medical personnel disturbing the scene. I later transferred these photo to a photo cd, and they were booked as evidence by Off. Snadow #1644. Additionally, I emailed these same photos to Sgt. Bonner at Homicide via department email. I then maintained command of the scene until I was relieved of command by Lt. Delgadillo.

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GENERAL RULES OF CONDUCT

This order outlines the general rules of conduct for officers and non-sworn employees of the Department.

1. ATTENTION TO DUTY. The basic mission of the San Francisco Police Department and its officers is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law. While on duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments.

2. OFF-DUTY RESPONSIBILITY. While off duty, officers shall take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property, consistent with their ability to take proper action.

3. MAINTAINING FIT CONDITION. Officers shall, while carrying a firearm off-duty or while acting in the capacity of a peace officer, maintain themselves in a fit condition to perform police duties.

4. REPORTING FOR DUTY. Members shall report for duty at the time and place required and be physically and mentally fit to perform their duties.

5. PERFORMING DUTIES. Members shall perform their duties promptly and according to Department policies and procedures.

6. DRESS/APPEARANCE. Members shall, while on duty, be dressed as prescribed for their assignment (see DGO 10.01, Uniform and Equipment Classes). Members shall be clean and neat in appearance, except when excused by a superior for a proper police purpose. When appearing before the Police Commission, members shall either wear their uniform or shall be dressed as prescribed for court appearances (see DGO 3.08, Court Appearances by Members.)

7. MAINTAINING KNOWLEDGE. Members shall maintain a working knowledge of all information required for the proper performance of their duties (see DGO 3.01, Written Communication System).

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8. REQUESTING HEARINGS. Whenever ten or more members want a hearing on a matter affecting the Department, they must submit a signed petition to the Chief describing their concerns and any recommendation they wish to make. The Chief shall note the petition and send it with any comments to the Police Commission for consideration. The Commission shall set the matter for hearing within 30 days. If the Commission declines to hear the matter, the members submitting the petition shall be advised of the reasons, in writing, within the same 30-day period.

9. MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

10. WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors. (see DGO 3.01, Written Communication System)

11. CONFLICTING ORDERS. If a member is given a lawful order that conflicts with a previous order or written directive, the member shall advise the superior of the conflict and proceed according to the superior's direction. The member may prepare a memorandum detailing the circumstances of the incident.

12. ADDRESSING SUPERIOR OFFICERS. Members shall, at all times, address superior officers by title of rank.

13. RESPECTFULNESS. Members shall be respectful to superiors at all times.

14. PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.

15. TELEPHONE COURTESY. When answering the telephone, members shall identify the station, bureau, or unit and give their rank and name. Members shall be courteous on the telephone.

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16. CONTAGIOUS DISEASES. See Infectious Disease Control Manual, DM-04.

17. RESPONSIBILITY OF RANK. When assigned duties of a higher rank, officers shall assume the responsibilities that apply to the higher rank.

18. RESPONSIBILITY OF HIGHER RANK. Unless otherwise ordered, when two or more officers are on duty together, the highest ranking officer shall be in charge and is responsible for the proper completion of the assignment.

19. EQUAL RANK RESPONSIBILITY. Unless otherwise ordered, when two or more officers of equal rank are on duty together, the senior officer shall be in charge and is responsible for the proper completion of the assignment.

20. INVESTIGATIVE RESPONSIBILITY. When an officer who is charged with the final investigation is at the scene of an incident, he/she shall immediately assume responsibility for the investigation.

21. COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights).

22. CARE OF DEPARTMENT PROPERTY. Members shall take proper care of all Department property entrusted to them and shall be personally liable for its loss or damage due to negligence. (see DGO 10.02, Equipment)

23. USE OF DEPARTMENT PROPERTY. Members shall use Department property according to Department policies and procedures. Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner and not allow unauthorized persons in police vehicles or allow them to use Department equipment. Authorization under special circumstances may be granted by a superior officer. (see DGO 10.02, Equipment)

24. LOSS OR DAMAGE TO DEPARTMENT PROPERTY. Members shall promptly report in writing any loss or damage to Department property entrusted to their use. Additionally, officers shall inspect their assigned vehicles and equipment and report any defect or damage, in writing, to their superiors. Failure to report defects or damage prior to use shall indicate that the officer assumes full responsibility for the damage. (see DGO 10.02, Equipment)

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25. ON-DUTY WRITTEN REPORTS. While on duty, members shall make all required written reports of crimes or incidents requiring police attention.

26. OFF-DUTY REPORTING. Officers shall, when off duty, report any serious crime or urgent police matter brought to their attention. Officers shall report any incident in which they become involved as a peace officer.

27. GIFTS, PRESENTS, COMPENSATION, REWARDS. Members shall not solicit or accept any gift, compensation or reward for the performance of their duties, except with the permission of the Police commission. When offered money or gifts for police services (other than monies received pursuant to Section 10 B.1 of the City Administrative Code), members who wish to accept the money or gift being offered shall submit a written report to their commanding officer. The report shall include a request for permission to accept the money or gifts, and include the date the offer was made, the name and address of the donor, and a brief description of the services rendered. Commanding officers shall forward these reports through channel to the Police Commission. The Commission may grant or deny the member permission to accept all or part of the money or gifts.

28. VEHICLE ACCIDENTS. See DGO 2.06, Vehicle Accidents Involving Members.

29. FILING SUIT. Members shall, prior to filing a suit for the collection of damages sustained in the performance of police duties, submit a written report to their commanding officer briefly describing the cause of action. Commanding officers shall forward these reports through channels to the Legal Division.

30. DEFENSE SUBPOENAS. See DGO 3.08, Court Appearances by Members.

31. FILING SUIT AGAINST THE CITY AND COUNTY OF SAN FRANCISCO. Members shall, prior to filing a suit against the City or any of its departments, boards, tribunals or officers, submit a memorandum to their commanding officer briefly describing the cause of action. Commanding officers shall forward these memoranda through channels to the Legal Division. Also see DGO 3.15, Personal Property Claims.

32. ACCEPTING FEES. When offered a fee for testifying in any civil or criminal proceeding or deposition where the fee offered is greater that the fee set by law, members shall make a written application to the Police Commission to accept the fee. Members will be permitted to accept the fees only when all of the following are present:

    a. The member has been legally subpoenaed.

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b. The member testifies during off-duty hours.

c. The fee is in the form of a check made payable to the member.

d. The fee does not exceed one day's pay.

Members who provide expert testimony on a regular basis (i.e., more than once a year), shall submit a secondary employment request and shall, if the request is approved, be governed by existing secondary employment regulations rather than by this rule (see DGO 11.02, Secondary Employment).

33. MEDIA. See DGO 8.09, Media Relations Policy.

34. MEMBERS RELIEVED OF DUTY. When relieved as unfit to exercise their duties, members shall submit to their commanding officer a handwritten report answering the accusation in detail. Members who are ordered to submit the report shall be advised of and accorded all civil and employee rights provided by law or Memorandum of Understanding.

35. RESPONSIBILITIES OF MEMBERS WITH PRISONERS. Members shall be responsible for the custody, control, and safety of prisoners in their care until the prisoner has been formally remanded to the custody of another. Members shall treat prisoners with due respect and courtesy.

36. TRANSPORTING OF FEMALES. Immediately prior to transporting any female, or transgender/transsexual person or individual whose gender identity is indeterminate to the member and not clearly articulated by the individual in a Department vehicle, whether due to detention, arrest or any other reason, an officer shall notify Communications Division of the vehicle's starting mileage, the location from which he/she is leaving, and the destination. Upon arrival at the destination, the officer shall immediately notify Communications Division and provide the vehicle's ending mileage. Communications Division shall broadcast starting and ending times as an appropriate response, confirming the officer's broadcasts.

37. CONSUMING ALCOHOLIC BEVERAGES. See DGO 2.02, Alcohol Use By Members.

38. DRUG USE BY MEMBERS. See DGO 2.03, Drug Use By Members.

39. ALCOHOLIC BEVERAGES/CONTROLLED SUBSTANCES. Members shall not store or bring into any Department vehicle or facility alcoholic beverages or controlled substances, except in the performance of police duties.

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40. PERSONAL BUSINESS. Members shall not, while on duty, engage in personal business or in any other activity that would cause them to be inattentive to duty.

41. SICKNESS OR INJURY. Members shall not falsely report themselves sick or injured.

42. SLEEPING ON DUTY. Members shall not sleep while on duty.

43. BORROWING MONEY FROM BAIL BONDSMAN. Members shall not borrow money or become indebted to a bail bond broker.

44. LEAVING ASSIGNED POSTS. Members shall not leave their assigned posts unless relieved, to take action in a serious matter, for personal necessity, or with a supervisor's permission.

45. SECURING PERSONAL PRIVILEGES. Members shall not use or attempt to use their official positions for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct.

46. POLITICAL ACTIVITY. Members shall not, while on duty or while acting as a representative of the Department, endorse political candidates or issues or participate in political campaigns. Members shall not place or cause to be placed politically oriented information in or on any Department building or equipment other than upon the bulletin board provided for the posting of general notices.

47. USE OF PRIVATE VEHICLES. Members shall not use a private vehicle for police business, except with the specific approval of their commanding officer or officer-in-charge.

48. COMPROMISING INVESTIGATIONS. Except as required by law or by Department policy and procedure, members shall not divulge any information or engage in any conduct that may compromise an investigation or prosecution of a criminal offense (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).

49. DIVULGING CONFIDENTIAL INFORMATION. Except as required by law, members shall not divulge any information that is made confidential by law or by Department policies and procedures (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).

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50. RECOMMENDING FOR PROFIT BUSINESSES. Members shall not recommend to non-city employees the name or employment of any attorney, bail bondsman or tow truck operator, or the name of a particular for-profit business when the member knows or should know that the member will directly or indirectly receive a benefit, service, or profit by such recommendation.

51. INDUCING RETIREMENTS. Members shall not offer to, or pay money, or provide any other consideration with the intent of inducing the retirement of any member of the Department, nor shall any member become a party to any such transaction.

52. SERVING SUBPOENAS, SUMMONS OR PAPERS IN CIVIL ACTIONS. Members shall not serve a subpoena, summons, or other paper in a civil action or render any assistance in such a case; however, when a crime is committed requiring an arrest, an arrest may be made even though the crime originated from a civil dispute (see DGO 6.09, Domestic Violence, DGO 8.05, Labor Disputes).

53. FURNISHING INFORMATION TO BAIL BONDSMAN OR ATTORNEYS. Except as required by law, members shall not furnish information regarding any arrested person, an investigation made or about to be made, or other Department activities to bail bondsmen or attorneys or to persons working with or for bail bondsmen or attorneys.

54. LOANING MONEY TO PRISONERS. Members shall not loan or give money or anything of value to persons in custody, except with the permission of the station keeper.

55. TESTIMONIALS. Members shall not, in their official capacity, bestow testimonials or collect or receive money or anything of value from any person, except with the permission of the Police Commission.

56. SURREPTITIOUS RECORDINGS. Unless conducting an assigned criminal or administrative investigation, no member shall surreptitiously record (video or audio) any other member who is on-duty without the express written approval of the Chief of Police.

57. CONFLICT OF INTEREST IN INVESTIGATIONS. If a member is assigned to an investigation in which the member knows or suspects, or should reasonable know or suspect, that the member has a personal or family interest the member shall immediately report the interest to the members immediate supervisor.

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USE OF FORCE

The purpose of this order is to set forth the circumstances under which officers may resort to the use of force. The order also outlines procedures for reporting and evaluating incidents involving the use of force.

I. POLICY

A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.

B. Officers are frequently confronted with situations where control must be exercised to effect .arrests and to protect the public safety. Control may be. achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would .clearly be ineffective under the particular circumstances.

C. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. The purpose of this policy is not to restrict officers from using sufficient force to protect themselves or others, but to provide general guidelines under which force may be used. If exceptional circumstances occur which are not contemplated by this order, officers should use any force reasonably necessary to protect themselves or others; however, they must be able to articulate the reasons for employing such force.

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D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

   a. Verbal Persuasion

   b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)

   c Liquid Chemical Agent (Mace/Oleoresin Capsicum)

   d. Carotid Restraint

   e. Department-issued Baton

   f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

E REASONABLE FORCE

1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.

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2. Penal Code Section 835 a provides that, *"Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance."*

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:

   a. To prevent the commission of a public offense.

   b. To prevent a person from injuring himself/herself.

   c To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.

   d. In self-defense or in the defense of another person.

2. Before using force, the officer should consider these questions:

   a. What actions on the part of the suspect justify the use of force?

   b. What crime is being or has been committed?

   c Does the situation require the immediate use of force?

G. VERBAL PERSUASION AS A MEANS OF EFFECTING CUSTODY

1 The practice of courtesy in all public contact encourages understanding and cooperation; lack of courtesy arouses resentment and often physical resistance. Simple directions which are complied with while you merely accompany the subject are by far the most desirable .method of dealing with an arrest situation. Control may be achieved through advice, persuasion and warnings before resorting to actual physical force.

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2. The above should not be construed to suggest that you should ever relax and lose control of a situation, thus endangering your personal safety or the safety of others. Officers are permitted to use that force which is reasonable and necessary to protect themselves from bodily harm.

H. USE OF PHYSICAL CONTROL TO ACCOMPLISH CUSTODY

1. Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Normally all that is required to overcome the resistance is physical strength and skill in defensive tactics, e.g., passive resister, bent wrist control.

2 Defensive tactics are techniques intended for use when weapons are not available or their use is inadvisable or unreasonable under the circumstances. You must, however, ensure that you are capable of utilizing physical skills to subdue a -person. Good judgement is extremely important in deciding which tactics to use and how much force to apply. The force used must be necessary.

3. When confronted with a situation that may necessitate the use of physical control, consideration should be given to calling for additional cover officers prior to the contact.

4. In encountering physical resistance and/or assault, an officer's primary goal is to control the situation. The level of force encountered determines what form of defense should be exercised. When conditions permit, the best means of controlling a subject is by the imposition of manual restraint according to methods taught in Department training courses.

   a. Choking by means of pressure on the subject's trachea is a prohibited practice.

   b. Rendering a subject unconscious by applying pressure to the carotid artery is permissible only when lesser types of restraint would be ineffective (see Section L, J.).

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I. USE OF LIQUID CHEMICAL AGENT (MACE/OLEORESIN CAPSICUM) TO ACCOMPLISH CUSTODY

1. Liquid chemical agent is a non-lethal device designed to subdue a person by projecting a specially formulated liquid onto the face. It is not designed to replace the police revolver or baton. Liquid chemical agent is a defensive weapon intended for use when attempting to subdue an unarmed attacker or to overcome resistance likely to result in injury to either the suspect or the officer.

2 In most instances, liquid chemical agent will reduce or eliminate the necessity for greater physical force to effect the arrest. Every officer should be equipped with liquid chemical agent and, when practical to do so, should use it rather than the baton or carotid restraint.

3. MEDICAL TREATMENT. Persons who have had Mace or O.C. sprayed on their faces shall have their faces washed and their eyes flushed with clean water at the scene or as soon as possible. Medical evaluation shall occur.

   a. Prior to booking and as soon as practicable. .

   b. If the person is recovering normally, request an ambulance (Code 2) to the scene or arrange to have paramedics meet you at another location to medically assess the individual.

   c. If the ambulance is unavailable or the delay will be excessive, transport the exposed subject to SFGH for medical evaluation.

   d. If the sprayed suspect looses consciousness or has difficulty breathing, summon an ambulance Code 3.

4. TRANSPORTATION. Persons who have been sprayed with Mace or O.C. must be transported in an upright position by two officers. The passenger officer shall closely monitor the subject for. any signs of distress which would require medical evaluation and/or treatment. Hobble cords or similar types of restraints shall only be used to secure a subject's legs together. They shall not be used to connect the subject's legs to his/her waist or hands in a "trussed" position.

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5. MONITORING SUBJECTS. Supervisors shall ensure that any person who has been sprayed with Mace or O.C. is kept under direct visual observation until he/she has been medically evaluated. If the person appears to be having difficulty breathing, an ambulance shall be summoned immediately.

6. BOOKING FORM. Persons who have been sprayed with liquid chemical agent shall have that noted on the booking form.

J. USE OF CAROTID RESTRAINT TO ACCOMPLISH CUSTODY

L The carotid restraint, when properly applied, is a very effective means of subduing a violent subject; however, caution must be used in its application. The officer applying the hold must attempt to ensure the hold does not slip into a bar arm trachea choke.

2. The carotid restraint is an acceptable use of force in the following situations:

   a. The officer is physically attacked.

   h To stop a physical attack on another person.

   c. The officer has attempted a lesser level of force and found it to be inadequate.

   d. In the officer's best judgement, having evaluated the particular circumstances, a lesser level of force would be inadequate.

3. MEDICAL TREATMENT. Officers finding it necessary to apply the carotid restraint must monitor the subject's vital signs closely. Additionally, if the subject has difficulty breathing or does not immediately regain consciousness, the arresting officer shall immediately call paramedics to the scene. In all cases where the carotid restraint is used, the subject shall be medically evaluated.

4. BOOKING FORM. Persons who have been the subject of a carotid restraint shall have that noted on the booking form.

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K. USE OF BATON TO ACCOMPLISH CUSTODY. The baton in the hands of an officer trained in its use is a very formidable weapon. If we are to obtain effective results, avoid unnecessary injury to suspects, and minimize criticism of the Department, the baton must be used properly and judiciously.

1. The baton must be carried properly in the officer's baton ring. A baton left in the car is of no use to an officer in a confrontation.

2. Officers are not to slap the palm of their hand with the baton or poke the baton at people as an intimidation technique.

3. The baton, when properly used, is capable of delivering extremely powerful blows to stun and incapacitate an aggressive opponent. It is also capable of delivering lethal or permanently disabling blows. Blows to the head, throat, side of the neck, or armpit must be avoided whenever possible.

4. To properly control and therefore maximize its effectiveness, the baton should normally never be raised above the head to strike a blow. The use of the baton as a club is generally prohibited.

5. Striking a handcuffed prisoner with a baton is expressly prohibited (except as allowed for in Section L, C., of this order).

6. Officers will carry only batons issued by the Department

L. USE OF FIREARM TO ACCOMPLISH CUSTODY. See DGO 5.02, Use of Firearms.

M. UNNECESSARY FORCE (DEFINED)

1 Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.

2. Malicious assaults and batteries committed by officers constitute gross and unlawful misconduct. Penal Code Section 149 provides criminal penalties for every public officer who under the color of authority, without lawful necessity, assaults or beats any person.

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3. When the use of force is applied indiscriminately, the officer will face civil and criminal liability and Department disciplinary action.

4. justification for the use of force is limited to what is reasonably known or perceived by you at the time. Facts discovered after the event, no matter how compelling, cannot be considered in determining whether the force was justified.

N. REPORTING AND INVESTIGATING THE USE OF FORCE

1. TYPES OF INCIDENTS REQUIRING REPORTING. Officers must report the use of the following types of force:

a. Physical control, when the person is injured or claims to be injured.

b. Liquid chemical agent, when sprayed on or at the person.

c. Department-issued baton, when the person is struck or jabbed.

d. When the officer finds it necessary to strike a suspect with his/her fist, a flashlight, or any other object.

e. Carotid restraint.

f. Firearm (also see DGO 5.02, Use of Firearms).

2. NOTIFICATIONIINCIDENT REPORT. In all cases in which an officer is required to report the use of force, the officer using the force shall immediately notify his/her supervisor, and:

a. When the officer using force is also the reporting officer, prepare an incident report containing the following information:

(1) The type of force used (e.g., carotid restraint, struck with fist).

(2) Reason for the use of force (e.g., subject resisted arrest).

(3) The supervisor's name, rank star number and time notified. If applicable, the supervisor's reason for not responding to the scene .shall also be included.

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b. In the event that the officer using force is not the officer preparing the incident report, the officer using the force shall:

(1) Ensure that he/she is clearly identified in the incident report.

(2) Ensure that the incident report includes:

- The type of force used (eg., carotid restraint, struck with fist).
- Reason for the use of force (e.g., subject resisted arrest).
- The supervisor's name, rank, star number and time notified.

(3) Or prepare a supplemental report or a statement form with the above information

3. SUPERVISORY OFFICERS RESPONSIBILITIES. When notified of the use of force, supervisors shall determine whether anyone (including the officer) has sustained an injury and its severity. If an injury has been sustained which is serious enough to require immediate medical treatment, the supervisor shall immediately respond to the. scene of the incident unless a response is impracticable, poses a danger, or where officers' continued presence creates a risk. Response is optional in other reportable use of force incidents. Upon arrival, the supervisor shall do the following (when more than one supervisor responds, the responsibility shall fall on the senior supervisor):

a. Ensure that witnesses (including officers) to the criminal incident and also the reportable use of force incident are identified, interviewed, and that this information is included in the incident report. Hostile situations or number of witnesses may preclude identification and interview of ail witnesses.

b. Conduct observations of the scene and injured subjects or officers.

c. Conduct a supervisorial evaluation to determine whether the force used appears reasonable and within the provisions of this order.

d. When appropriate, cause photographs of injuries or other evidence connected to the case to be taken and booked as evidence.

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e. Review the officer's incident report.

f. Record the incident in the Use of Force Log (see below). The supervisor who is notified of the reportable use of force is responsible for recording the incident in. the Use of Force Log.

4. UNNECESSARY OR EXCESSIVE FORCE/REPORTING AND INVESTIGATIVE RESPONSIBILITIES. Should the supervisorial evaluation conclude possible misconduct involved in the use of force, the supervisor shall:

a. Immediately notify his/her superior.

b. Make arrangements for any interviews that may have to be conducted.

c. Prepare a memorandum of observations, evaluation and actions taken.

5. SUPERIOR OFFICER RESPONSIBILITIES: After being notified of possible misconduct involved in the use of force, the superior officer shall:

a. Conduct an investigation.

b. Officers suspected of misconduct shall be advised of rights described in DGO 2.08, Peace Officers' Rights, and be given the opportunity to have a representative present before any administrative interviews.

c If a criminal investigator is assigned the case, the superior officer should confer with the investigator to coordinate the criminal and administrative interviews and Miranda warning.

d Make the required notifications to O.C.C. if a citizen complaint is made (see DGO 2.04, Citizen Complaints Against Officers). Notify the officer's commanding officer when required (see DGO 106, Duties of Superior Officers).

e. Prepare a report containing results of investigation, preliminary findings, conclusions and recommendations if appropriate.

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6. RECORDING PROCEDURES/USE OF FORCE LOG/TRAINING DIVISION USE OF FORCE REPORT. Every unit of the Department whose officers normally perform street duty (e.g., district stations, Narcotics, Vice Crimes, Traffic, Special Operations Division, etc.) shall maintain a Use of Force Log (SFPD 128). Other units (e.g., administrative, investigative, etc.) need not maintain a Use of Force Log; however, commanding officers of these units are responsible to ensure compliance with all other provisions of this order along with the following recording procedures:

   a. On each occasion that an officer reports the use of force in an incident report, he/she shall verbally notify the supervisor reviewing the report if different than the supervisor notified that the report contains reportable use of force. The supervisor reviewing this report shall ensure the necessary information is placed in the Use of Force Log.
   . Two copies of the incident report shall be attached to the log.

   b. On the 1st and 15th of each month, commanding officers shall sign the log and send it, along with one copy of each of the incident reports, to their respective deputy chief. The deputy chief will review the log and route it to the Management Control Division. Commanding officers shall forward a copy of the log and one copy of each incident report to the Commanding Officer of the Training Division.

   c. The Commanding Officer of the .Management Control Division will maintain controls that assure all unit logs are received and shall review completed forms to ascertain if any officer appears to be having problems with the use of force. If. so, he/she shall notify the appropriate command personnel (also see DGO 3.18, Performance . Improvement Program and *Performance Improvement Program, A. Supervisor's Guide,* DM-06).

   d. The Commanding Officer of the Training Division will maintain controls that assure all unit logs and reports are received, and shall perform a non-punitive review of completed ,logs and incident reports to ascertain the number, types, proper application and effectiveness of uses of force reported by members of this Department. The information developed shall be used to identify training needs. The Commanding Officer of the Training Division shall report to the Chief of Police quarterly on the use of force by members of the Department.

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USE OF FIREARMS

This order establishes policies and reporting procedures regarding the use of firearms.

I. POLICY

A. GENERAL. Officers shall use their firearms in accordance with Department General Order 5.01, Use of Force, and this General Order.

B. HANDLING AND DRAWING FIREARMS

1. HANDLING FIREARMS. An officer shall handle and manipulate a firearm in accordance with Department-approved firearms training. An officer shall not manually cock the hammer of the Department-issued handgun to defeat the first shot double-action feature.

2. AUTHORIZED CIRCUMSTANCES. An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. When an officer determines that the threat is over, the officer shall holster his or her firearm or hold the shoulder weapon in port arms position pointed or slung in a manner consistent with Department-approved firearms training. If an officer points a firearm at a person and the person is not arrested, and if the circumstances permit, the officer should tell the individual the reason the officer drew the firearm.

3. DRAWING OTHERWISE PROHIBITED. An officer shall not draw a Department-issued firearm except as authorized by this order, for inspection by a superior, maintenance, safekeeping, or Department-approved training.

C. DISCHARGE OF FIREARMS

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:

a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.

b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him

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or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.

c. To apprehend a person when both of the following circumstances exist:

(1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
(2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

d. To kill a dangerous animal. To kill an animal that is so badly injured that humanity requires its removal from further suffering where other alternatives are impractical and the owner, if present, gives permission.

e. To signal for help for an urgent purpose when no other reasonable means can be used.

2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.

3. REASONABLE CARE. To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.

4. GENERALLY PROHIBITED CIRCUMSTANCE. As a warning.

5. MOVING VEHICLES. The following policies shall govern the discharge of firearms at or from a moving vehicle or at the operator or occupant of a moving vehicle:

a. <u>At a Moving Vehicle.</u> An officer shall not discharge a firearm at a moving vehicle with the intent to disable the vehicle.

b. <u>From a Moving Vehicle.</u> An officer shall not discharge a firearm from a moving vehicle unless the officer has reasonable cause to believe there is an imminent danger of death or serious bodily injury to the officer or to others.

c. <u>At the Operator or Occupant of a Moving Vehicle.</u> Discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to officers and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further, a moving vehicle with a disabled operator may crash and cause injury to innocent members of the public or officers. Accordingly, it is the policy of the Department that **officers are**

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prohibited from discharging their firearm at the operator or occupant of a moving vehicle except in the narrow circumstances set in this subsection (c). An officer shall not discharge a firearm at the operator or occupant of a moving vehicle except under the following circumstances:

(1) If the operator or occupant of a moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means other than the vehicle itself.

(2) If the operator of the moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means of the vehicle, and the officer has no reasonable and apparent way to retreat or otherwise move to a place of safety.

(3) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.

(4) To apprehend a person when both of the following circumstances exist:

(a) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
(b) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

d. In reviewing incidents involving the discharge of firearms from a moving vehicle or at an operator or occupant of a moving vehicle, the Department will consider the totality of the circumstances, including but not limited to whether the officer or others were in imminent danger of death or serious bodily injury and whether the officers who were present employed tactics consistent with Department-approved training.

D. REPORTING DISCHARGE OF FIREARMS. Except for firearm discharges at an approved range or during lawful recreational activity, an officer who discharges a firearm, either on or off duty, shall report the discharge as required under Department General Order 8.11. This includes an intentional or unintentional discharge, either within or outside the City and County of San Francisco.

References
DGO 3.10, Firearms Discharge Review Board
DGO 5.01, Use of Force
DGO 8.01, Critical Incident Notification
DGO 8.04, Critical Incident Response Team
DGO 8.11, Officer-Involved Shootings

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INVESTIGATION OF OFFICER INVOLVED SHOOTINGS AND DISCHARGES

This order outlines the rules and procedures to be followed in the conduct of all officer-involved shooting and discharge investigations.

I. POLICY

It is the policy of the San Francisco Police Department to respond immediately and conduct a timely and complete investigation of all officer-involved shootings.

II. PROCEDURES

A. DEFINITIONS:

- Officer-involved shooting. An officer's discharge of a firearm that results in the physical injury or death of a person, even if it is an accidental discharge.

- Officer-involved discharge. An officer's discharge of a firearm that does not cause injury or death to a person. Shooting at, injuring, or killing animals also falls into this category, including accidental discharge without injury.

B. INVESTIGATION PROTOCOL: Officer-involved shootings that result in injury or death are investigated in two distinctly separate venues:

1. Criminal Investigations. Investigations to determine if there was criminal conduct on the part of the involved officer(s) are conducted separately by the Homicide Detail and the Office of the District Attorney.

   Officer-involved shootings occurring on San Francisco International Airport property or in San Mateo County shall be investigated by the San Mateo County Sheriff's Office in conjunction with the San Mateo County District Attorney's Office.

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2. Administrative Investigation. Investigations to determine if the officer-involved shooting was within Department policy are conducted separately by the Management Control Division and by the Office of Citizen Complaints if and when initiated by a citizen complaint.

   If the officer-involved shooting occurs on San Francisco International Airport property or on its surrounding areas, the Management Control Division shall contact the San Mateo County Sheriff's investigators and the San Mateo County District Attorney's Office investigators responsible for the criminal investigation and request copies of any reports those agencies have made that are relevant to the officer-involved shooting.

C. OFFICER-INVOLVED SHOOTINGS OCCURRING WITHIN THE CITY AND COUNTY OF SAN FRANCISCO. As soon as practical after an officer-involved shooting occurring within the City and County of San Francisco, the following notifications shall be made:

1. If practical, the member(s) involved shall notify Emergency Communications Division (ECD), and his/her immediate supervisor, or the platoon commander of the district in which the shooting took place.

2. ECD shall immediately notify the Field Operations Bureau Headquarters (Operations Center after normal business hours).

3. The Field Operations Bureau or the Operations Center shall make the following notifications:

   a. The on-call Homicide Inspectors
   b. The Crisis Incident Response Team (See DGO 8.04, Crisis Incident Response Team)
   c. Management Control Division
   d. District Attorney's Office
   e. The Commanding Officer of the member(s) involved
   f. Chair of the Firearm Discharge Review Board
   g. Office of Citizen Complaints
   h. San Francisco Police Department Command Staff
   i. Legal Division
   j. Captain of Risk Management
   k. Secretary of the Police Commission

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D. OFFICER INVOLVED DISCHARGES. In cases where injury or death has not occurred, the Commanding Officer of the member involved is responsible for conducting a thorough shooting investigation, including accidental discharges. The Commanding Officer may delegate this investigation to another Commissioned Officer. The Commanding Officer, however, shall be responsible for the proper conduct of the investigation, and the appropriate findings and recommendation as documented in an investigative summary. The Commanding Officer's Bureau Chief shall set an appropriate due date for this investigation. However, this investigation shall not exceed 45 days. Officer involved discharges require the following notifications:

1. If practical, the member(s) involved shall contact the platoon commander of the district in which the discharge occurred.

2. The platoon commander shall contact the officer's Commanding Officer.

3. If outside San Francisco, as soon as practical, the officer shall contact that jurisdiction's Police or Sheriff's Department requesting that entity contact the San Francisco Police Department.

4. An officer who discharges a firearm in an Officer-Involved Discharge shall be assigned to his or her respective Bureau Headquarters. The officer shall not return to regular assignment for a minimum of 5 days or unless, upon recommendation of the member's Commanding Officer with the approval of his or her respective Bureau Chief, the Chief of Police determines the member may return to his/her assignment.

E. OFFICER-INVOLVED SHOOTINGS OR DISCHARGES OCCURRING OUTSIDE THE CITY AND COUNTY OF SAN FRANCISCO. If a member discharges a firearm outside the City and County of San Francisco (except at an approved range or during lawful recreational activities) either while on duty or off duty, he/she shall follow these procedures:

1. Absent exigent circumstances, remain at the scene of the discharge and notify the law enforcement agency.

2. Immediately contact the on duty supervisor in your unit or detail.

3. As soon as practical, the member shall contact the senior ranking member on duty in the Bureau to which he/she is assigned, or the Operations

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Center after normal business hours, and report the incident. The senior-ranking member in the Bureau who is notified or the staff at the Operations Center shall notify the on-duty supervisor of the involved member. If the member's unit is closed, the notification shall be made to the Commanding Officer or Officer-in-Charge.

F. SCENE. The member who has discharged his/her weapon in an officer involved shooting should limit his/her investigation and activity to the following:

1. When officer safety permits: de-cock, holster, and strap in his/her firearm. He/she should not reload the weapon, or remove the magazine to examine its contents. Thereafter, he/she should not remove the weapon from the holster until directed to do so by the Homicide Detail. In cases involving shotguns and/or long rifles the weapon shall be placed on "safe" and isolated in a secure location.

   a. Nothing in this order shall preclude a member from taking reasonable actions to provide/ensure officer and/or public safety.

2. As soon as practical, seek medical assistance/ treatment for injured persons.

3. As soon as practical, protect the crime scene and preserve all evidence. Prior to the arrival of the homicide detail investigators as provided under II.F.5., no person(s) should be permitted to enter the scene except to perform emergency medical assistance or assist in the preservation of the scene and evidence contained therein.

4. As soon as practical, attempt to obtain the name and address of any witness who may not remain at the scene.

5. When an officer-involved shooting occurs within the City and County of San Francisco, the crime scene(s) shall be under the control of the Homicide Detail upon the arrival of their investigators. No persons shall be permitted to enter the crime scene without the approval of the Homicide Inspector assigned the investigation or the Homicide OIC.

6. Nothing in this order shall prohibit a member from taking reasonable actions to ensure his/her safety or the safety of another person.

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G. INVOLVED OFFICERS. The following actions will be taken in all cases of officer-involved shootings (resulting in injury or death):

1. All members shall be afforded all substantive and procedural rights and remedies as provided by applicable law, including without limitation thereto the Public Safety Officers' Bill of Rights.

2. When a supervisor arrives on the scene, the supervisor shall have the involved member(s) escorted from the scene. If more than one member is involved in the discharging of a firearm, absent exigent circumstances, the members shall be separated and will be kept separate from one another, and shall not discuss the incident with each other prior to being interviewed by the Homicide Detail Inspectors. If possible, the supervisor shall contact the investigator from the Homicide Detail and ascertain if the involved member is to be taken to the Homicide Detail, the Investigations Bureau, or the involved member's Station or Detail. In all circumstances the member shall be taken to a department facility.

3. Members of the department's C.I.R.T. program may assist the member(s) involved prior to their interview with investigators. However, they shall not discuss the facts or details of the shooting with the member.

4. Officers who discharge a firearm in an officer-involved shooting will be reassigned to his or her respective Bureau Headquarters. Officers shall not return to regular assignment for a minimum of 10 calendar days. This reassignment is administrative only and in no way shall be considered punitive.

   Within 5 business days of an officer-involved shooting, the Chief of Police shall convene a panel to discuss whether it is appropriate for the involved member to return to duty. The Panel shall include a representative of the Behavioral Science Unit, the officer-in-charge of the Homicide Detail, the Deputy Chief, Commander, and Captain overseeing the involved officer's unit, the officer-in-charge of the Management Control Division, the Deputy Chief of Investigations and officer-in-charge of Risk Management.

   The Chief, after consulting with the panel shall determine if the member should be returned to their regular field assignment, but only after completion of any mandatory debriefing (per DGO 8.04, Section 1.A), and any recommended retraining. This decision, including the factors supporting the decision, shall be contained in a written report that shall be forwarded immediately to the Police Commission. A copy of the report

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shall also be forwarded to the Director of the OCC. This report will be part of the officer's confidential personnel file and shall not be disclosed to any member of the public except by court order. The Police Commission shall, at the first Commission meeting following receipt of the report, meet in closed session with the Chief of Police to review the Chief's findings and decision. Officers shall not be returned to their regular duty until the Commission has met in closed session with the Chief of Police.

Any determination by the Chief not to return an officer to their regular assignment and to continue their reassignment is administrative only and in no way shall be considered punitive.

5. The officer shall receive a debriefing by the Crisis Incident Response Team and support as outlined in Section C., of Department General Order 8.04.

H. INVESTIGATIONS

1. Officer-involved shootings. The Homicide Detail and the Management Control Division shall respond immediately and conduct a timely investigation into every officer-involved shooting. These investigations shall utilize the same numbering system, and be consistent with each other, e.g., 03-01 (first O.I.S. of 2003), 03-02 (second O.I.S. of 2003) etc.

2. Officer-involved discharges. The Commanding Officer of the member involved shall contact the Management Control Division and obtain an O.I.D. number. The report prepared by the Commanding Officer of the member involved shall reflect the M.C.D. issued O.I.D. number. The final report submitted shall be routed through channels, to the Management Control Division for evaluation prior to review by the Chief of Police.

I. REVIEW OF INVESTIGATIONS

1. Officer-involved shootings.

   a. Homicide Detail Investigation. The criminal investigation prepared by the Homicide Detail shall be completed and received by the Chair of the Firearm Discharge Review Board within forty-five-calendar days of the shooting event. If the criminal investigation report is not completed within forty-five calendar days of the shooting event, the Officer-in-charge of the Homicide Detail shall appear before the

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Commission at the earliest possible meeting to explain why the report has not been completed.

b. Management Control Division Investigation. The administrative investigation prepared by the Management Control Division shall be completed and submitted to the Chair of the Firearm Discharge Review Board within sixty-calendar days of the shooting event. If the administrative investigation report is not completed within sixty-calendar days of the shooting event, the Officer-in-charge of the Management Control Division shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.

c. The Firearm Discharge Review Board shall convene within thirty calendar days of receipt of the Management Control Division investigation report. Within 120 calendar days following the first meeting of the Firearm Discharge Review Board, the panel shall complete its investigation and issue its findings in accordance with Department General Order 3.10. If the Firearm Discharge Review Board report is not completed within the required 120 calendar days, a representative of the Firearms Discharge Review Board shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.

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VEHICLE TOWS

The purpose of this order is to set forth policies and procedures relating to towing of vehicles, placing of holds and releasing of towed vehicles.

I. POLICY

A. AUTHORITY OF OFFICERS TO TOW. It is the policy of the San Francisco Police Department that officers tow vehicles only when authorized pursuant to Division 11, Chapter 10, Article 1 of the California Vehicle Code (Section 22650, et seq.) and various sections of the San Francisco Traffic Code.

II. TYPES OF TOWS

A. ARREST TOWS

1. PERMISSIBLE CIRCUMSTANCES. It is the policy of the Department that officers may tow a vehicle driven by, or in the control of, a person arrested and taken into custody when:

   a. The vehicle is needed for evidence.

   b. The vehicle must be secured while obtaining a search warrant.

   c. The vehicle cannot be secured, and cannot be released immediately to a person at the scene who is authorized by the arrestee.

   d. The vehicle is a traffic hazard, and cannot be released immediately to a person at the scene who is authorized by the arrestee.

   e. The vehicle is not parked in a place that will be legal for at least 24 hours from the time of arrest.

   f. Towing is specifically requested by the arrested person.

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2. MANDATORY CIRCUMSTANCES. It is the policy of the Department that officers shall tow any vehicle being driven by a person who has had his/her driver license suspended or revoked, or by a person who has never been issued a driver license. The vehicle shall not be released to anyone at the scene; however, a commercial vehicle (e.g., cab, truck, bus) may be released to an agent of the company who is a licensed driver.

3. SUPERVISORY APPROVAL. Except when specifically requested by an arrested person, officers shall obtain approval from a supervisory officer before towing a vehicle pursuant to an arrest. The reason for the tow and the name of the supervisory officer giving approval shall be included in the incident report.

4. PROPERTY. When the vehicle of an arrested person contains an item of extraordinary value, but towing is not warranted, the item may be booked according to Department policies and procedures. An arrested person's vehicle shall not be towed simply because it contains an item of value.

5. MOVING A VEHICLE PRIOR TO TOWING

   a. Officers shall not move a vehicle that is to be towed pursuant to an arrest unless they have the express permission of a supervisory officer, and then only when moving the vehicle is necessary for:

      (1) Officer or citizen safety; or

      (2) The protection of evidence; or

      (3) When, in the supervisor's opinion, further investigation of the vehicle is necessary.

   b. Officers moving a vehicle that is to be towed pursuant to an arrest shall include the following information in their incident report:

      (1) The reason for the tow;

      (2) The reason for moving the vehicle;

      (3) The name of the supervisor giving permission to move the vehicle prior to the tow.

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6. NOTICE OF TOW HEARING. Officers shall insure that an arrested person, whose vehicle has been towed subsequent to an arrest, is given a Notice of Tow Hearing (SFPD 387). Officers shall document the issuing of this form in their incident report and indicate whether the arrested person is the owner of the towed vehicle.

B. RECOVERED VEHICLE TOWS

1. PERMISSIBLE CIRCUMSTANCES. It is the policy of the Department that an officer may, in addition to other circumstances described in this order, tow a recovered vehicle when either of the following conditions exists:

   a. The vehicle is not operable.

   b. The officer believes a hold must be placed on the vehicle, e.g., the vehicle was involved in the commission of a crime, contains physical evidence, altered VIN.

2. MANDATORY CIRCUMSTANCES/NOTIFICATION OF REPORTEE. In all other cases, the Communications Division shall make an attempt to contact the person who reported the vehicle theft, provided that he/she is a resident of San Francisco. The person shall be told of the location of the vehicle and advised that he/she or an authorized representative must arrive at the scene within 20 minutes to take custody of the vehicle. If the person or representative cannot respond or does not arrive within 20 minutes, the vehicle shall be towed.

3. TOWING POSSIBLE STOLEN/RECOVERED VEHICLES. Many vehicles have been towed simply because they appeared to have been stolen, e.g., the vehicle was stripped, identification numbers (VIN) were removed, or other causes for suspicion were present. In many cases, the towed vehicle had not been stolen, but was merely abandoned by the owner. Therefore, it is the policy of the Department that officers not tow vehicles simply because they appear to be stolen.

C. TOWING ABANDONED VEHICLES FROM PRIVATE PROPERTY. Complaints concerning vehicles abandoned on private property that are not stolen or embezzled shall be referred to the Environmental Health Services Center Office, 101 Grove Street.

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D. VEHICLE ALARMS, CITATION AND TOW. See DGO 5.10, False Alarms.

III. TOW POLICY AND PROCEDURES

A. REQUESTING A TOW. Before requesting a tow, check to see if the vehicle is stolen. Query both the license plate number and the VIN if necessary. Ensure that the VIN and license plate number correspond to registration information.

1. STOLEN. If the vehicle is stolen, follow the provisions in this order before requesting a tow.

2. NOT STOLEN (CLEAR). If the vehicle is clear, request a tow through the Tow Dispatch Center (TDC) and provide the following information:

   a. Unit designation.

   b. Location (street name and exact location or approximate block number; also provide the nearest cross street).

   c. Reason for tow (specify the violation, e.g., 22500e CVC, arrest, evidence, accident, etc.).

   d. Vehicle year of manufacture.

   e. Make (Ford, Chev., etc.).

   f. Style (two door, convertible, truck, van, motorcycle, etc.).

   g. Color (use basic colors, e.g., red, white, blue, green).

   h. License and VIN. If both license plates are missing, but registration information indicates that a particular license plate number belongs on the vehicle, provide that number when ordering the tow.

   i. Hold. Advise TDC when a hold needs to be placed on the vehicle. Specify the type of hold, e.g., prints, burglary, robbery, etc. Also provide the incident number (if applicable).

   j. Specify any special equipment needed for towing (e.g., dolly).

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k. Fully complete an "Inventory of Towed Vehicle" form (see Section C. below).

3. DEPARTMENT VEHICLE TOWS. When ordering a tow for a Department vehicle, provide the license and Department ID number, year, make and model. The Department tow truck will respond; however, when the Department tow truck is unavailable, TDC will dispatch a private tow truck.

B. INVENTORY OF TOWED VEHICLES. When towing a vehicle, officers shall inventory the contents of the vehicle. The purpose of the inventory is to locate and secure any valuable property, to guard against false claims, and to protect officers and others from dangerous objects. When conducting an inventory, officers may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk and inside any container of the vehicle.

1. FORM PREPARATION. When towing a vehicle, always complete an "Inventory of Towed Vehicle" form. This form must be used to document tows ordered by the Department, with the exception of tows of Department vehicles or tows requested by an owner or operator. List inventoried items on the Inventory of Towed Vehicle form. If more space is needed, use an additional form and list it as page 2. Print legibly and apply enough pressure so that all the copies are readable. All applicable boxes must be completed, including the odometer reading and VIN number. When towing a vehicle for a driveway violation, always include the complainant's name and address in the appropriate boxes.

a. DAMAGE/MISSING PARTS. List any part of the vehicle that is missing or damaged. Carefully indicate any body damage (e.g., dents, scrapes, cracked glass) using the illustration and the instructions on the back of the inventory form.

b. FORM DISTRIBUTION. After completing the Tow Inventory form, distribute the copies as follows:

(1) White (original) and yellow: Tow Detail

(2) Green/Pink: Tow truck operator.

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2. ITEMS OF EXTRAORDINARY VALUE. If the vehicle contains an item of extraordinary value, remove it. Complete a property receipt (SFPD 315), and leave a copy inside the vehicle. Book the item "Property for Safekeeping" if the item is not apparently connected to an offense. Also complete an incident report.

   a. FIREARMS. If you locate a firearm in the vehicle, confiscate the weapon, even though the firearm or vehicle is not connected to an offense. Complete a property receipt form (SFPD 315), attach it to the vehicle, and book the firearm as "Property for Safekeeping." Also complete an incident report describing the circumstances. Do not place a hold on the towed vehicle. **Note, however, that a firearm in a vehicle may constitute an offense [see Penal Code Section 12025 (a) or 12031 (a)].**

C. STANDBY. After requesting a tow, officers shall remain at the scene until the tow truck operator has completed the hookup and has departed. A standby is not required when the tow is requested by the owner or operator, provided that the vehicle is not creating a traffic hazard.

D. CANCELING TOWS. In the event that the owner or operator of a vehicle which is being towed arrives after the tow truck has made the hookup, but before the towed vehicle has entered the flow of traffic, the vehicle shall be returned at no charge. The current city tow contract does not allow a drop charge to be levied by the tow company. This policy shall not apply in situations where a vehicle is being towed for investigative purposes, or is being towed because it was driven by an unlicensed driver or by a driver with a suspended or revoked driver license.

1. LEAVING THE SCENE. If you must leave the scene or need to cancel the tow for any reason, immediately notify the TDC. If you have entered the vehicle and completed the inventory form, write "canceled" across the face and forward it to the TDC.

2. TOW TRUCK DELAY. If the tow truck does not arrive within 20 minutes of your request, contact the TDC and confirm that a tow has been requested and obtain an estimated time of arrival.

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3. OWNER ARRIVES ON SCENE. If the owner of the vehicle arrives after you or the tow truck driver have entered the vehicle, complete the reverse side of the "Inventory of Towed Vehicle" form and have the owner sign it to verify acceptance and release of the vehicle. Write "canceled" across the face of the inventory form, give the owner the pink copy, and forward the remaining copies in the usual manner. If the owner refuses to sign, write "refused" on the form and proceed with the release.

E. AUTO CLUB TOW NOTIFICATIONS. The Department will notify AAA or National Auto for tow or roadside service requests; however, because of contractual obligations, the Department cannot notify any other auto club, tow service, or insurance company.

F. VEHICLE HOLDS. A vehicle "hold" may be placed on a towed vehicle under certain circumstances. A vehicle with a "hold" placed on it cannot be released until the "hold" has been removed by the appropriate investigative section. For example, a "Hold for Robbery" can only be removed by the Robbery Section.

1. PERMISSIBLE CIRCUMSTANCES. Officers may place a "hold" on a vehicle whenever the Department needs to retain the vehicle for investigative purposes. The following are examples of circumstances in which a hold may be placed:

   a. RECOVERED VEHICLE. A recovered vehicle is missing the engine or transmission, or major components (body parts, e.g., doors, trunk, hood). When placing a hold write "Recovered Vehicle - Hold Prints Only - Auto Detail" on the Inventory of Towed Vehicle form. Notify Auto Statis of the hold.

   b. EVIDENCE. Evidence related to the investigation of a crime may be obtained from the vehicle (see DGO 6.02, Physical Evidence).

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c. NO IDENTIFICATION/REGISTRATION. The vehicle identification number (VIN) has been removed or altered, or ownership/registration cannot be determined, or the vehicle displays a stolen or lost license plate, or the license plate of another vehicle.

(1) If a vehicle's VIN is missing, altered, etc., place a "hold" for the Auto Section and write "Hold for Auto Section" on the inventory form. Write an incident report and title it "Impounded Auto/Violation 10751 CVC." Include the reasons for the tow and the hold, and forward a copy to the Auto Section.

(2) DISPLAYING LOST OR STOLEN LICENSE PLATES. In the event that a vehicle is displaying a lost or stolen plate, follow these procedures:

- Remove and book the license plate(s) as evidence.
- Tow the vehicle.
- If the vehicle is cited for 4462 CVC (misd.) place a hold for Traffic Enforcement and Investigation. If the vehicle is cited for N/W 4463 CVC (felony) place a hold for the Auto Section.
- Contact Auto Statis to make a recovery report of the stolen/lost plates.
- Prepare an incident report.

d. VEHICLE ACCIDENTS (Also see DGO 9.02, Vehicle Accidents and DGO 9.01, Traffic Enforcement). The vehicle is involved in an accident involving a fatal or near-fatal injury, place a "hold" for the Hit and Run Section. If the vehicle is involved in a roll-away accident (Traffic Code Section 58a) place a hold for the Traffic Enforcement & Investigation Division.

e. OTHER CASES. The officer believes that a hold is necessary. In these cases, officers shall confer with a supervisory officer prior to placing the hold.

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2. MANDATORY CIRCUMSTANCES. Officers shall place a "hold" on a vehicle when any of the following circumstances exist:

   a. SUSPENDED OR REVOKED DRIVER LICENSE. A vehicle is being towed because the driver has been arrested for driving with a suspended or revoked driver license (Section 14601 CVC series) or driving without ever having been issued a driver license [Section 12500(a)CVC]. After arresting a person for driving with a suspended or revoked driver license, or for driving without ever having been issued a driver license, place a hold for the STOP (San Francisco Traffic Offender Program).

3. REPORTS. Whenever a hold is placed on a vehicle, an incident or accident report shall be completed explaining the reasons for the hold.

4. COMPLETING THE TOW FORM. When placing a hold on a vehicle, complete the reverse side of the pink copy of the "Inventory of Towed Vehicle" form, recording all information available to assist investigators or, if applicable, Crime Lab personnel in their examination. **Do not place a hold on a vehicle for more than one investigative section.**

5. PHYSICAL EVIDENCE. When a vehicle may hold evidence such as latent fingerprints, write "Hold for Evidence/Prints" along with the proper investigative section, e.g., Burglary, Hit & Run, Robbery, Sex Crimes.Vehicles requiring processing for prints or other evidence will be towed to the towing company garage where a special processing and storage area is provided. When the tow truck arrives, tell the driver to handle the vehicle with care to preserve any physical evidence.

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IV. VEHICLE RELEASES AND ADMINISTRATIVE TOW FEES

A. VEHICLE RELEASE POLICY. Before a vehicle that has been towed by the Department can be released, a Vehicle Release shall be completed and presented to the tow garage.

1. LICENSED DRIVERS. A Vehicle Release shall only be issued to a person with a valid driver license in his/her possession or on file with the DMV. If the registered owner does not have a valid driver license (e.g., the license is suspended or revoked) he/she must be accompanied by a licensed driver before a release can be issued.

2. HOLDS. Any hold placed on a towed vehicle must be removed prior to the issuance of a Vehicle Release.

   a. STOP PROGRAM (SUSPENDED/REVOKED DRIVER LICENSE TOWS). When a hold for STOP (San Francisco Traffic Offender Program) has been placed on a vehicle, no release shall be issued without the hold being released by the STOP Program.

3. ADMINISTRATIVE TOW FEE

   a. It is the policy of the Department to charge an administrative tow fee for vehicles towed pursuant to any of the following:

      (1) An arrest [Section 22651(h) CVC].

      (2) A violation described in Section 22651 (p) CVC (e.g., Section 14601 CVC Driving with a Suspended or Revoked License, Section 12500a CVC)

      (3) Driving under the influence arrests and accidents.

      (4) As evidence of a crime (Section 22655.5 CVC).

   b. A Vehicle Release shall not be issued for a vehicle that has been towed in any of the above circumstances unless an administrative tow fee has been paid.

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4. EXPIRED REGISTRATION. It is also the policy of the Department, pursuant to Section 22850.3 CVC, that a release not be issued for any vehicle with expired registration. After the necessary registration fees have been paid and a DMV receipt is presented, officers shall issue a Vehicle Release.

B. VEHICLE RELEASE PROCEDURES. When issuing a vehicle release, follow these procedures:

1. VERIFICATION. Ensure that the person claiming the vehicle is the registered owner of the vehicle or a person authorized by the registered owner. Also check to ensure that the person has a valid driver license either in his/her possession or on file with the DMV.

2. WARRANT CHECK. Complete a warrant check on the person.

3. HOLDS. Check to see if there is a "hold" on the vehicle. If there is, do not issue a release. Instead, refer the person to the appropriate investigative section to get a release.

   a. ADMINISTRATIVE TOW FEE. If there is a hold on the vehicle solely for an administrative tow fee, make sure that the person has a receipt for the payment of the fees before issuing the release. Attach a copy of the person's tow fee receipt to the yellow (garage) copy of the release; the person retains the cash register receipt.

4. REGISTRATION. Check to see if the vehicle's registration is current. If not, do not issue a release. Instead, tell the person to go to the DMV, pay the registration fees, and return with a DMV receipt.

5. SIGNATURE. Have the person sign the completed form in your presence. Give him/her the second and third (yellow and pink) copies and, if necessary, provide directions to the tow garage. Forward the original to the Tow Dispatch Center.

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DEPARTMENT BULLETIN

A
14-033
01/27/14

Impound Procedures

The Crime Scene Investigations Unit is responsible for processing crime scenes, documenting and collecting physical evidence, and providing written reports, diagrams and court room testimony. Vehicles requiring CSI processing are towed to the Auto Return lot located at 450 7th Street. Once at the facility, vehicles are secured in the CSI Impound lot pending processing.

In keeping with best practices in the discipline of forensic evidence examination and collection, vehicles must remain undisturbed in the CSI impound area. Vehicles must be maintained in this manner for several reasons:

1. Security of the vehicle eliminates the possibility of cross contamination of potentially fleeting physical evidence
2. Potential evidence contained on the exterior or interior of the vehicle will be recorded and documented in the manner in which it was originally seized
3. CSI can document and testify to the chain of custody, security and original state of any recovered evidence.

For these reasons, vehicles in the CSI Impound lot shall not be examined or disturbed in any manner by any department member not assigned to CSI.

In the event additional examination of a vehicle held in the CSI Impound lot is required, a station or unit Lieutenant shall contact CSI to request the response of a CSI member to the CSI impound yard to facilitate such an examination. CSI is staffed everyday from 0700-2400. Outside these hours, a Lieutenant shall contact the DOC to request notification of an on-call CSI member.

GREGORY P. SUHR
Chief of Police

DEPARTMENT BULLETIN

A
13-185
09/05/13

Report Writing Officer Responsibilities

Officers are responsible for preparing incident reports that are complete and accurate. Accuracy is imperative when memorializing an incident. The report plays an integral part in any successful prosecution. Officers shall ensure that all pertinent information is included in incident reports.

The below list contains some common mistakes or omissions identified in a review of members' reports. Members shall keep the following in mind when writing a police report:

- Articulate probable cause consistent with Department policy and current laws
- Articulate the elements of crimes
- Articulate use of force consistent with Department policy and current laws
- Articulate search and seizure consistent with Department policy and current laws
- Mirandize suspects and obtain statements unless directed otherwise in accordance with Department policy
- Collect accurate victim/witness contact information from all victims/ witnesses
- Proof read your report before submitting for review
- Use spell check as an aid in making certain all words are correctly spelled
- Obtain and include written statements from all involved officers

It is recommended that a member's partner proofread their incident report before submitting it for review by a supervisor. Refer to the appropriate Department Manual when drafting your report for proper terminology.

Officers are responsible for completing thorough and detailed reports as **DM-11 Report Writing Manual Introduction** states, "Preparing factual and thorough incident reports is one of the most important duties of a professional police officer. The San Francisco Police Department expects professional incident reports from its members."

GREGORY P. SUHR
Chief of Police

SFDPA - 0179-14 - 000569

DEPARTMENT BULLETIN

A
13-215
10/02/13

Report Writing Supervisory Responsibilities

(Supersedes DB 13-193)

The accuracy of an incident report is imperative in memorializing any incident and plays an integral part in the successful prosecution of a criminal case. Supervisors are responsible for reviewing incident reports to ensure that all pertinent information is contained in the report. Prior to approving any incident report, supervisors shall review the report critically ("constructive criticism") to ensure the report is accurate and complete.

The following is a list of common errors:

- Elements of crime not articulated to support charges
- Reasonable suspicion or probable cause not articulated in narrative
- Omission of witness information
- Missing charges
- Evidence not listed
- Narrative written in passive voice *i.e. "was arrested by me" as opposed to "I arrested"*
- Failing to document supervisory approval
- Failing to document reason for not adhering to Department policy

The member who prepares the incident report shall review the report prior to submitting it for approval. Any member referenced in the report should make every attempt during his/her shift to review the report for accuracy prior to the report being submitted for supervisory approval. If the referenced member is unable to review the report during his/her shift, the referenced member shall review the submitted report upon returning to duty. If the member discovers a substantive discrepancy in the incident report, he/she shall write a supplemental incident report.

The Department is currently developing a supervisory reference guide to use when reviewing reports. The guide will assist in the completeness and prevent omissions of important information.

Supervisors shall adhere to **DGO 1.04 (A)(2)(a) Duties of Sergeants** which states, ***"Sergeants shall review their subordinates arrests and reports for appropriateness and completeness".***

GREGORY P. SUHR
Chief of Police

INTAKE CHECKLIST

CASE # 179-14 COMPLAINANT [redacted]

PHASE I (first ten days)

	Done	N/A	Date Ordered and Notes
A. CASE RECEIVED			
1. Log into book/database	✓		
B. LOCATE AND INTERVIEW COMPLAINANT			
1. Obtain specific contact info	✓		
2. Medical release signed			
3. Juvenile Consent form signed			
4. 148.6 signed or taped	✓		
5. Photograph injuries	✓		
6. Photo spread	✓		
7. Complete 293	✓		
C. CASE CHRONOLOGY			
1. Summarize interviews/evidence in CWS	✓		
2. Record investigative steps in CWS	✓		
D. COMPUTER INFORMATION			
1. Run CAD, QCH, QUH,	✓		
2. DMV, QALL, QIR, QPRL, QLAB, QCA	✓		
3. Run PS or Roster			
4. Other _____			
E. ORDER DOCUMENTS			
1. Obtain copy of IR	✓		
2. Obtain communications tape	✓		ordered 3/28/14
3. Citations ordered			
4. Medical records			
5. Arrest card	✓		
6. S/W (affidavit), UOF log, Tow Inventory,	✓		ordered 4/7 UOF
7. 849(b), Strip Search Auth., Juvenile Log, Arrest			
8. Log, Paramedic Records			
9. Housing card			
10. Other _____			
F. IDENTIFY WITNESSES			
1. Obtain specific contact info	✓		
2. Start witness list	✓		
G. DRAFT ALLEGATIONS	✓		
H. FINALIZE NARRATIVE			
I. ~~START TAPED INTERVIEW LOG~~			
J. REVIEW GO'S, RULES, HS/WI/PC/DB/MPC/ COPWARE	✓		
K. PREPARE CASE MGMNT. DOC. (See reverse)			

PHASE II

	Done	N/A	Date Done/ Notes
A. SENT IN FOR INTAKE REVIEW			
B. INV PLAN/ALLEGATIONS APPROVED			
C. ASSIGN WEIGHT			
D. COPY 293			
1. Copies sent to Admin			
2. Copies mailed to COMP			

(OVER)

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CASE MANAGEMENT DOCUMENT

	Priority	Weight	Initials	Date
Investigator	_____	_____	_____	_____
Sr. Investigator	_____	_____	_____	_____
Chief Investigator	_____	_____	_____	_____
Upon Closure	_____	_____	_____	_____

Due Date _____

Investigative Plan/Comments/Suggestions/Request for Conference:

DETAIL: 015 CASE: 140.240.572

MEO #:

DATE PHOTOGRAPHED: 03/21/14 TIME: 2230

SUBJECT / NAME:

LOCATION / ADDRESS: 10, H / INGLESIDE STATION

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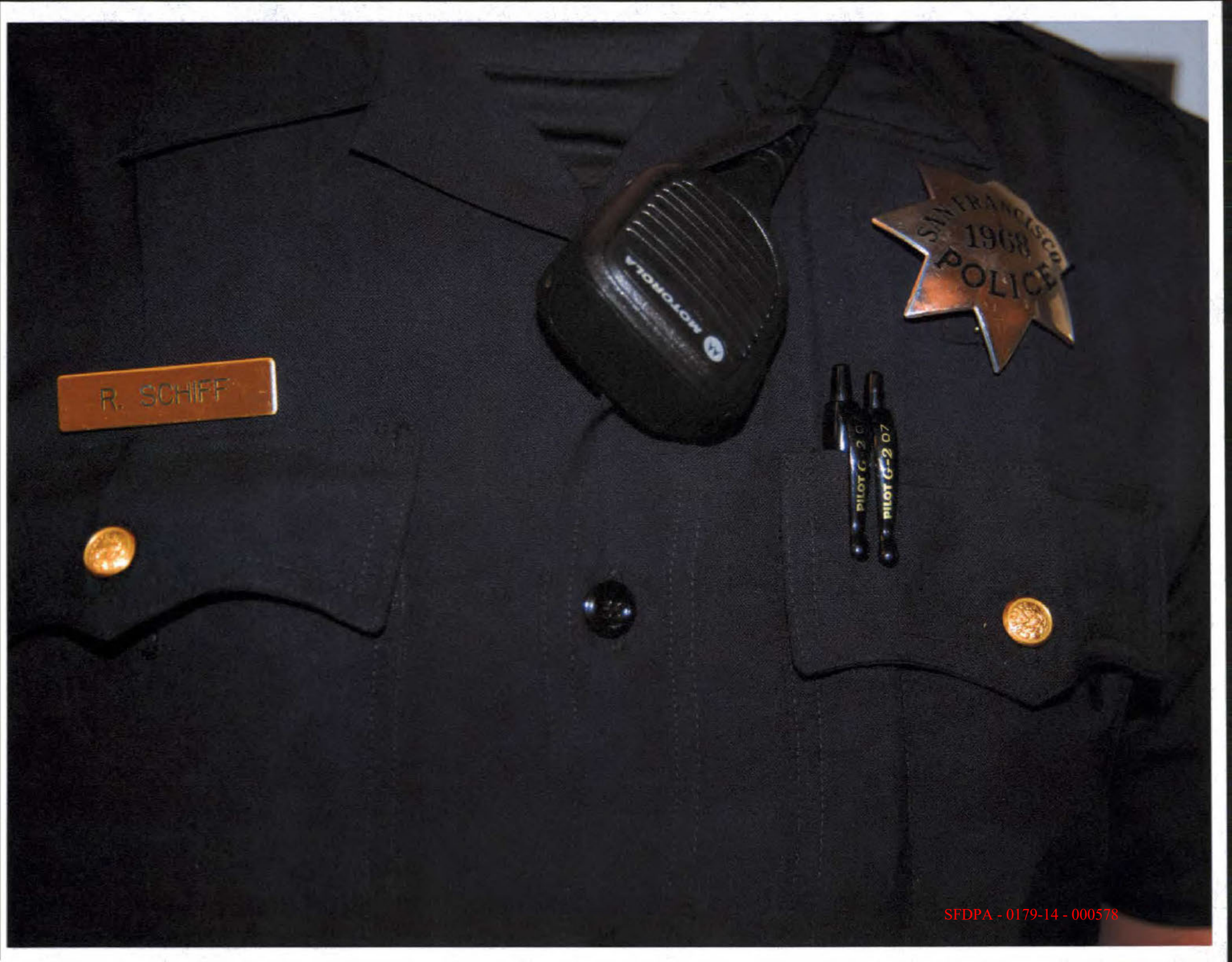


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R. MORSE
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DETAIL: OIS

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CA EXEMPT
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POLICE INTERCEPTOR

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THERE'S NO EXCUSE
FOR DOMESTIC VIOLENCE



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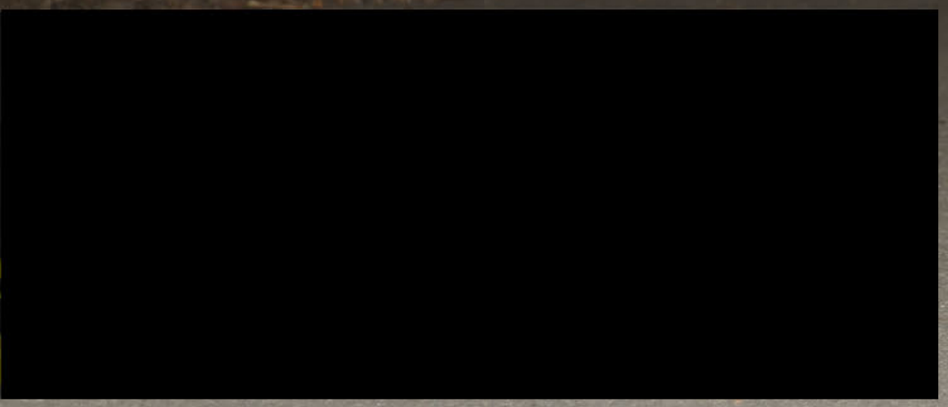

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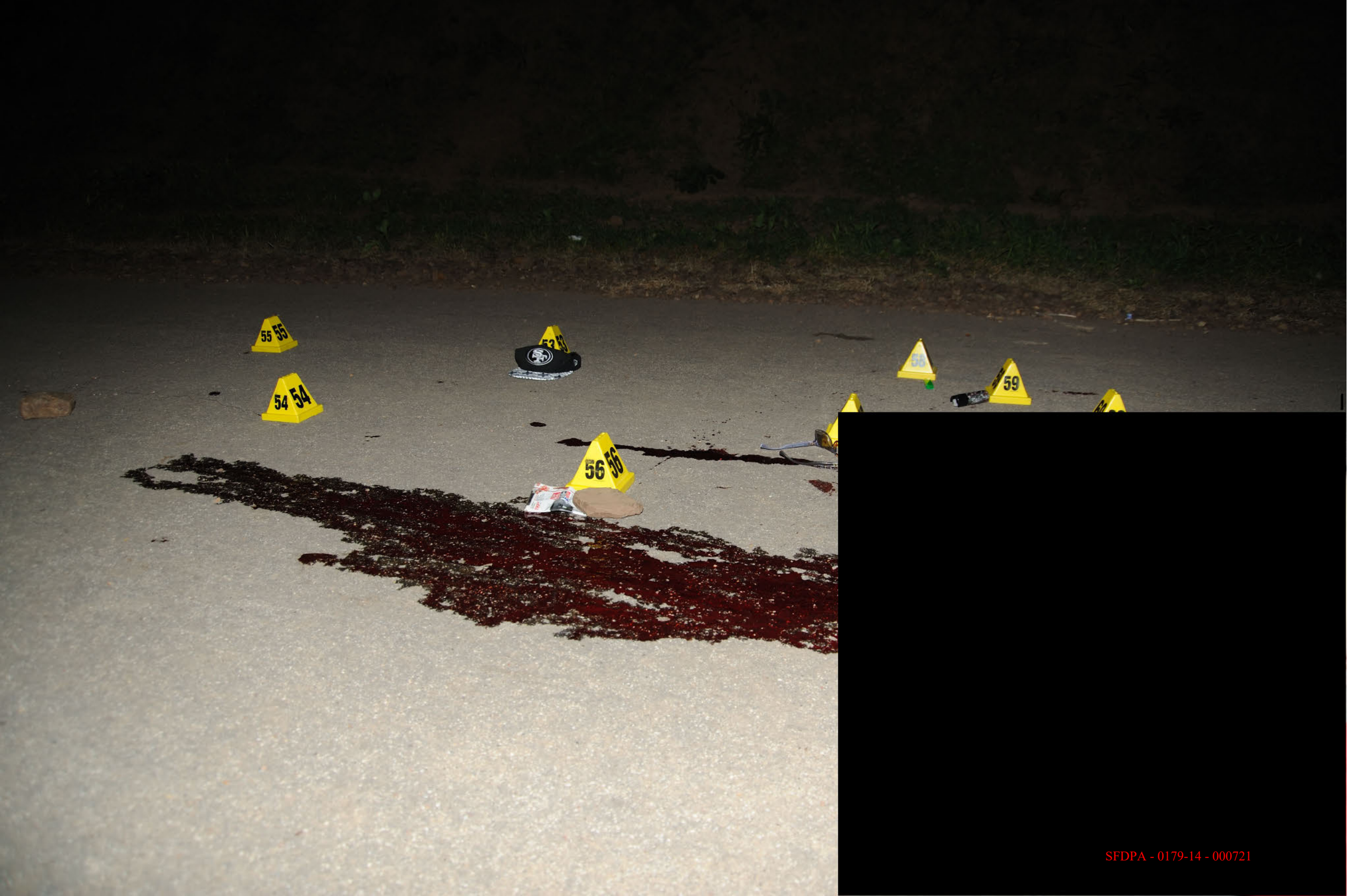
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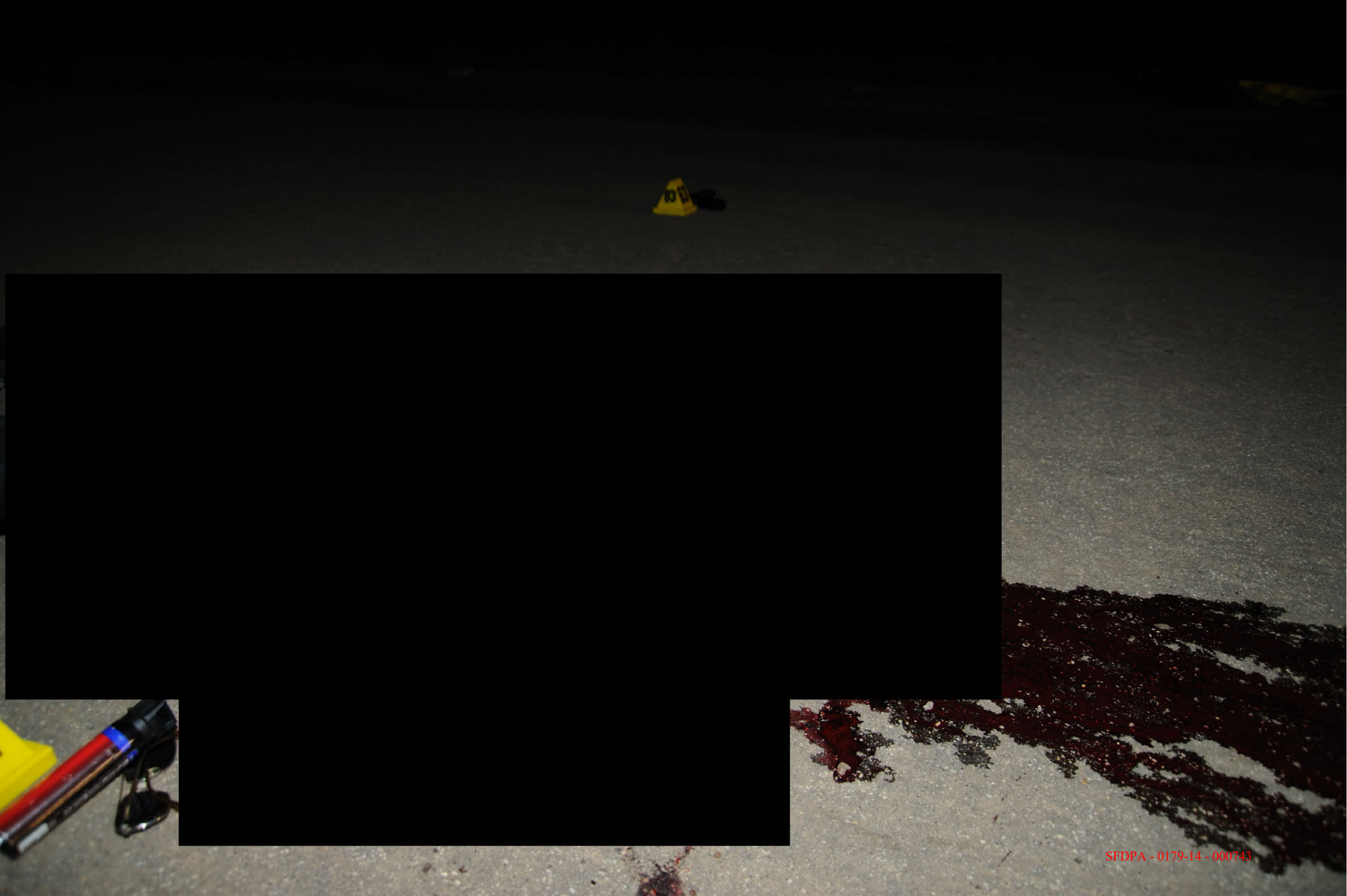


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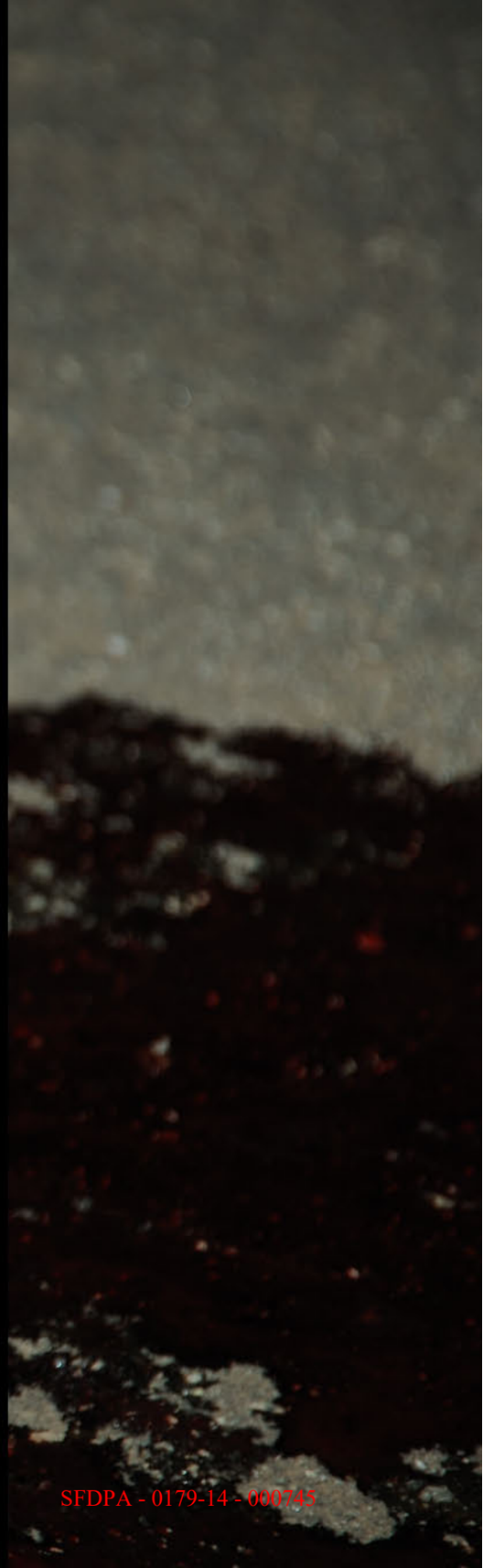


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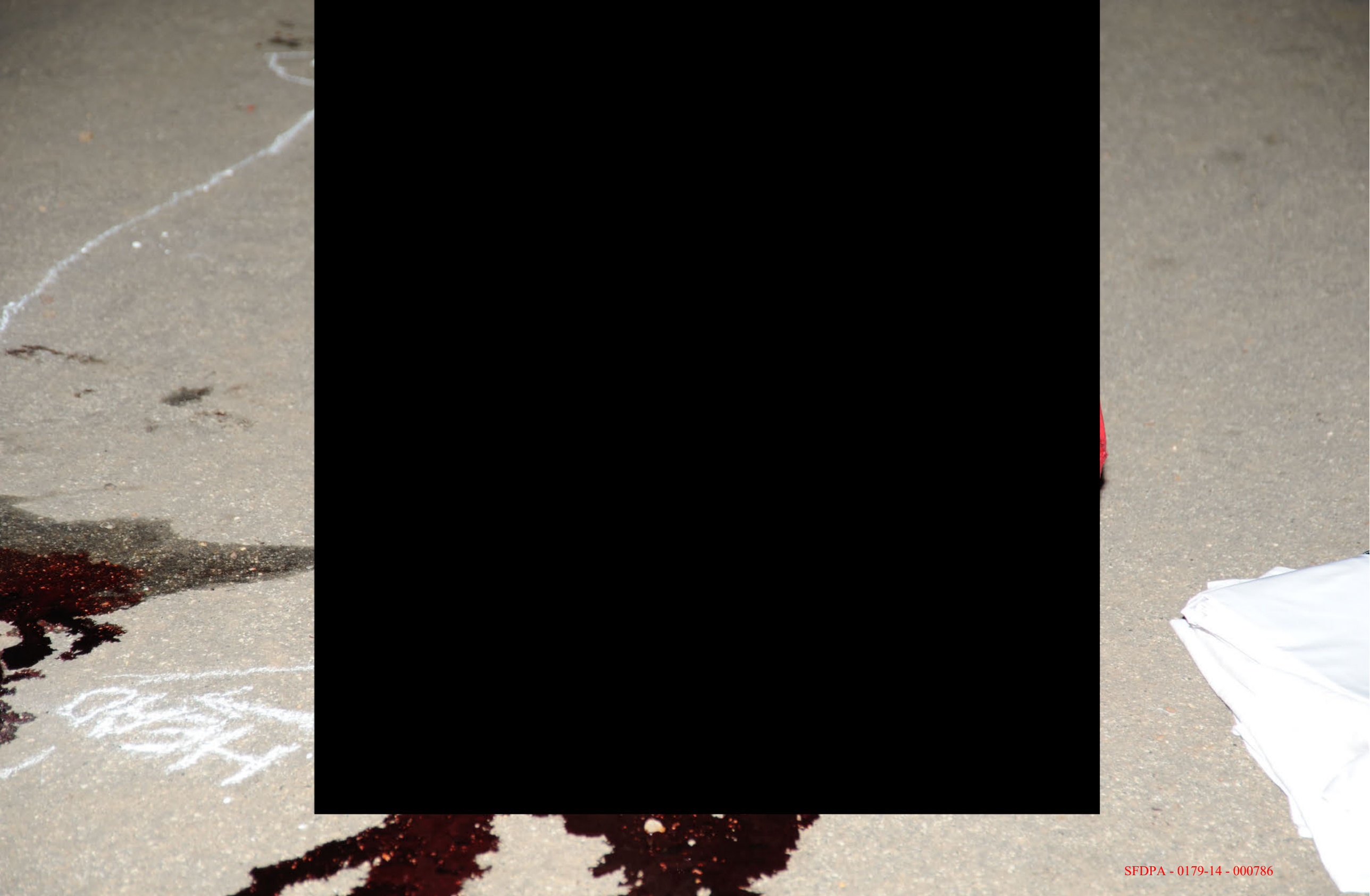
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TIME: 1800

SUBJECT / NAME: _____

LOCATION / ADDRESS: CSI

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STAR: 729

MEDIA: _____

IMAGES: _____

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CASE: 140-240-512
(OFFICER MORSE #1923)

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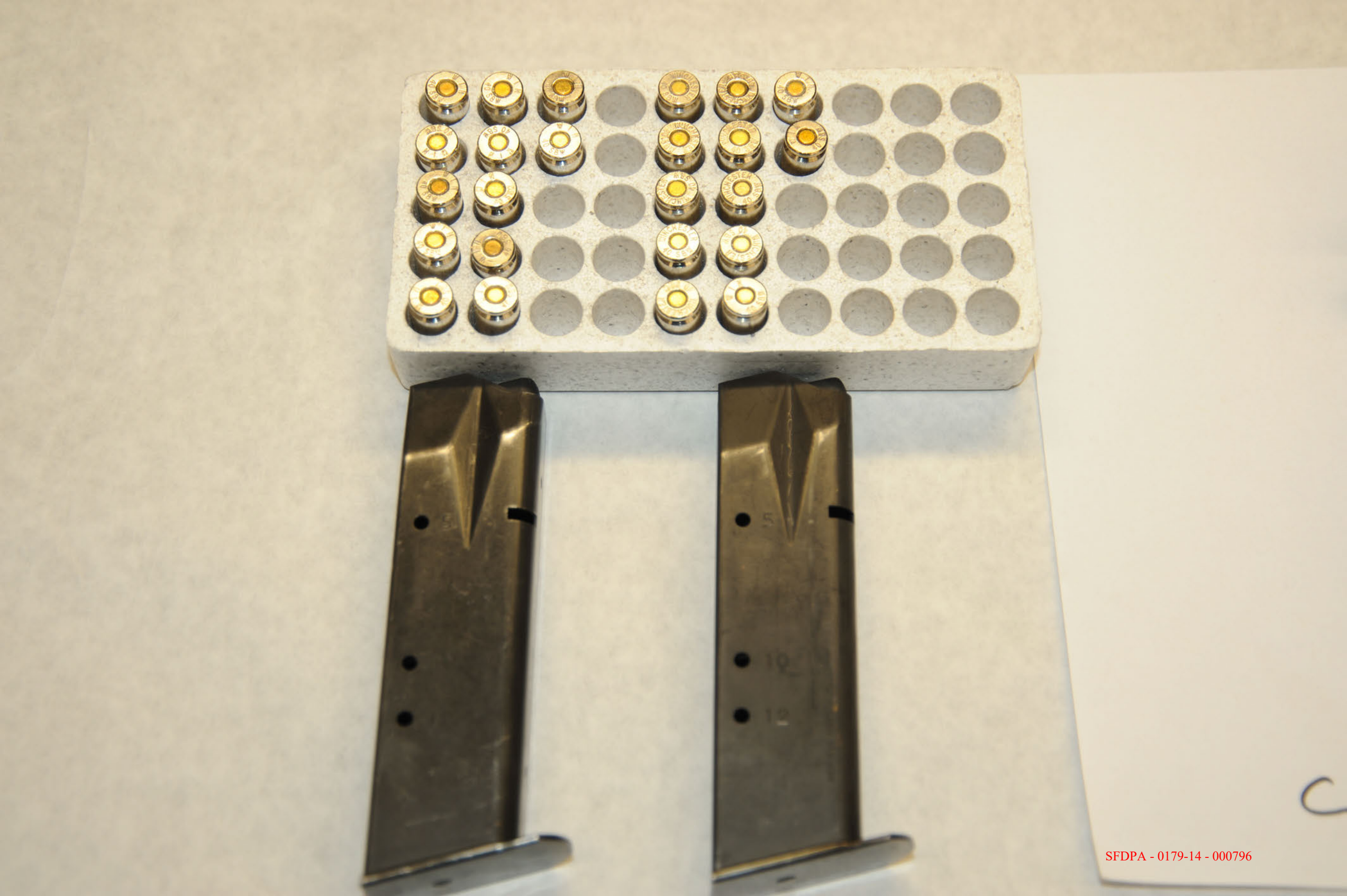


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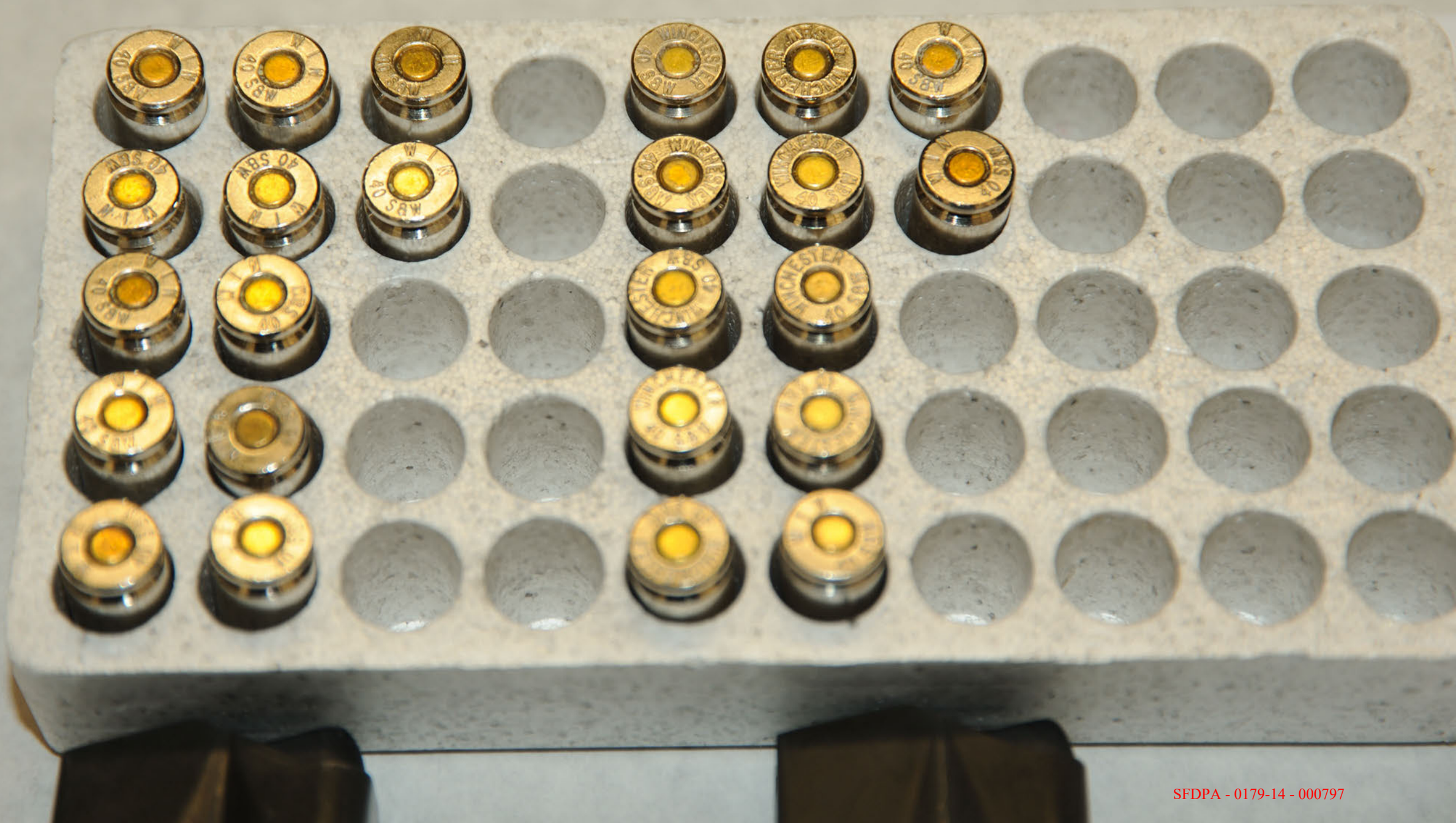



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CASE: 140-240-512/OFFICER CHEW #2088

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SIGARMS INC EXETER NH
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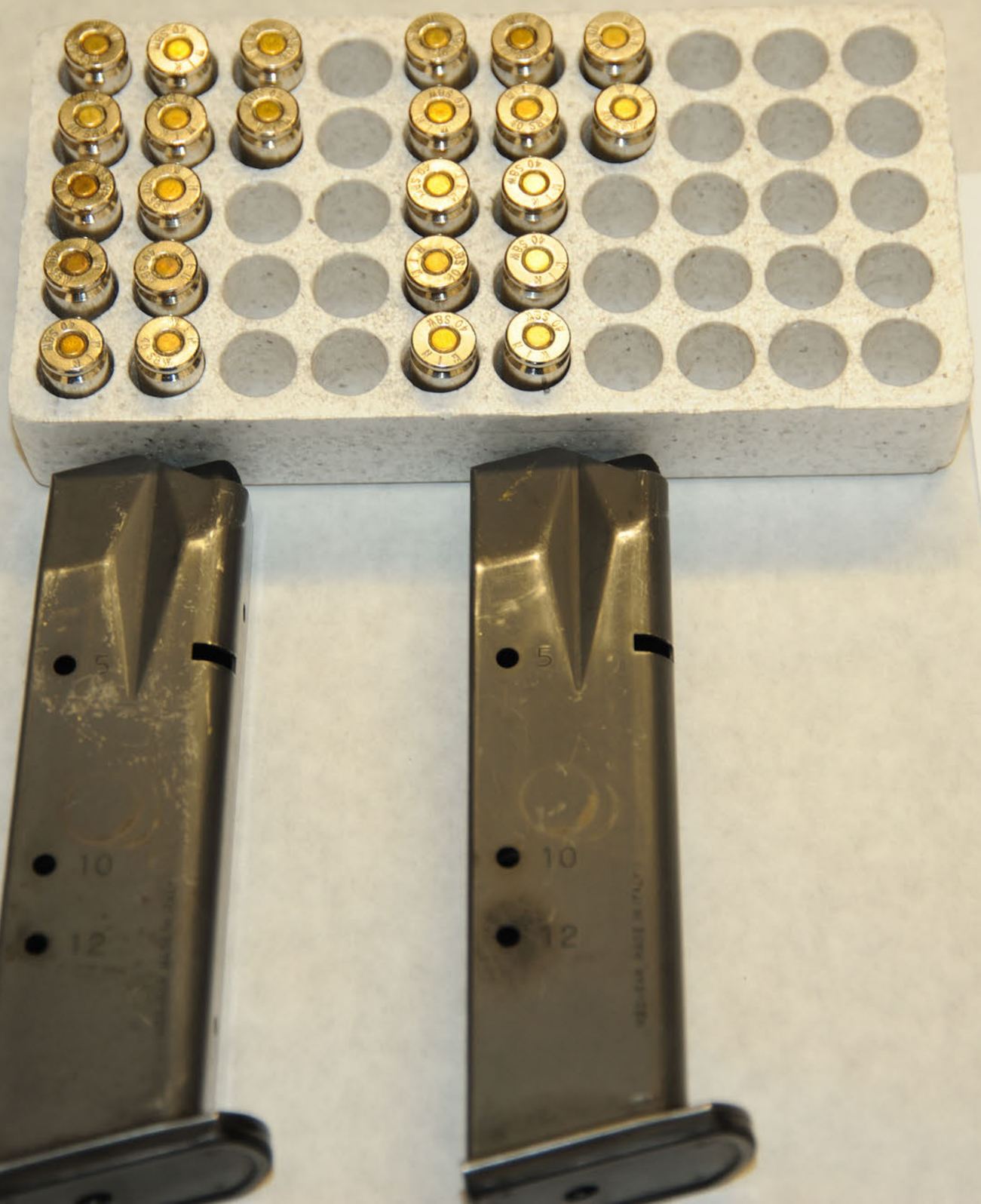

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CASE: 140-240-512 / SGT SAWYER #1127

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SIG SAUER P226 STAINLESS
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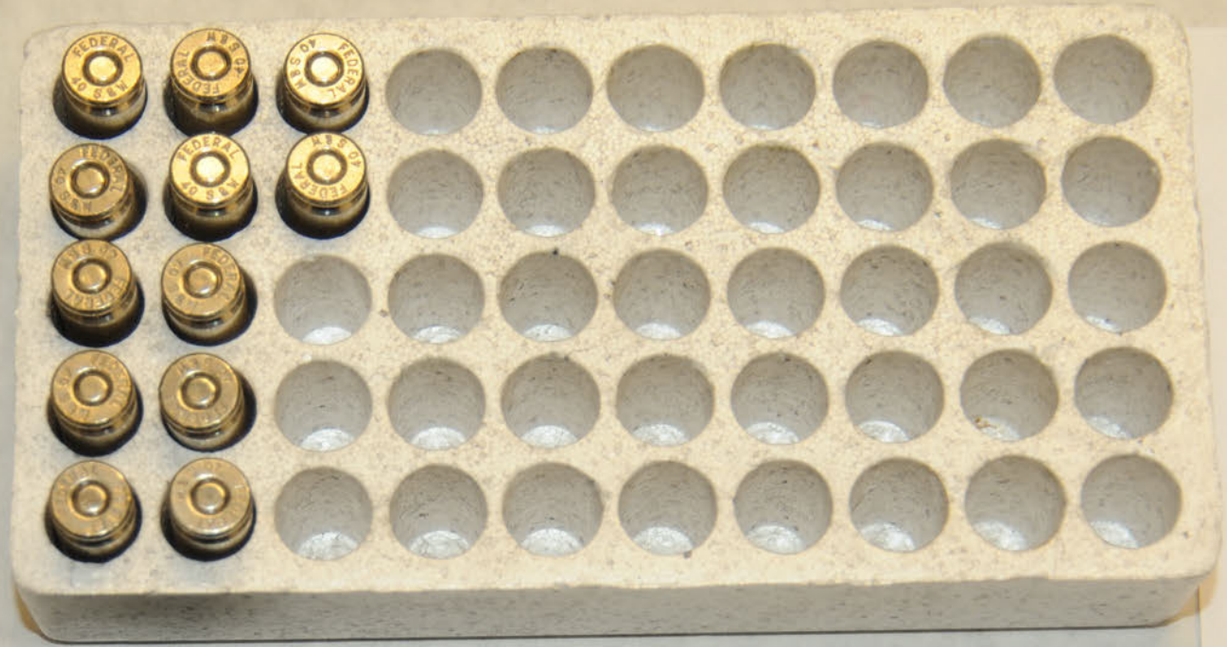


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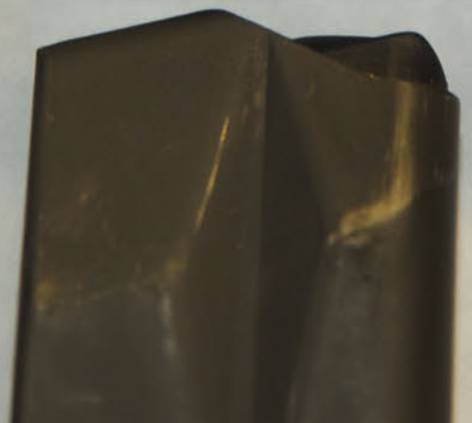




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CASE: 140-240-512 / OFFICER SCHIFF #1968

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DETAIL: OIS CASE: 140-240-512

MEO #:

DATE PHOTOGRAPHED: 03/22/2014 TIME: 1730

SUBJECT / NAME:

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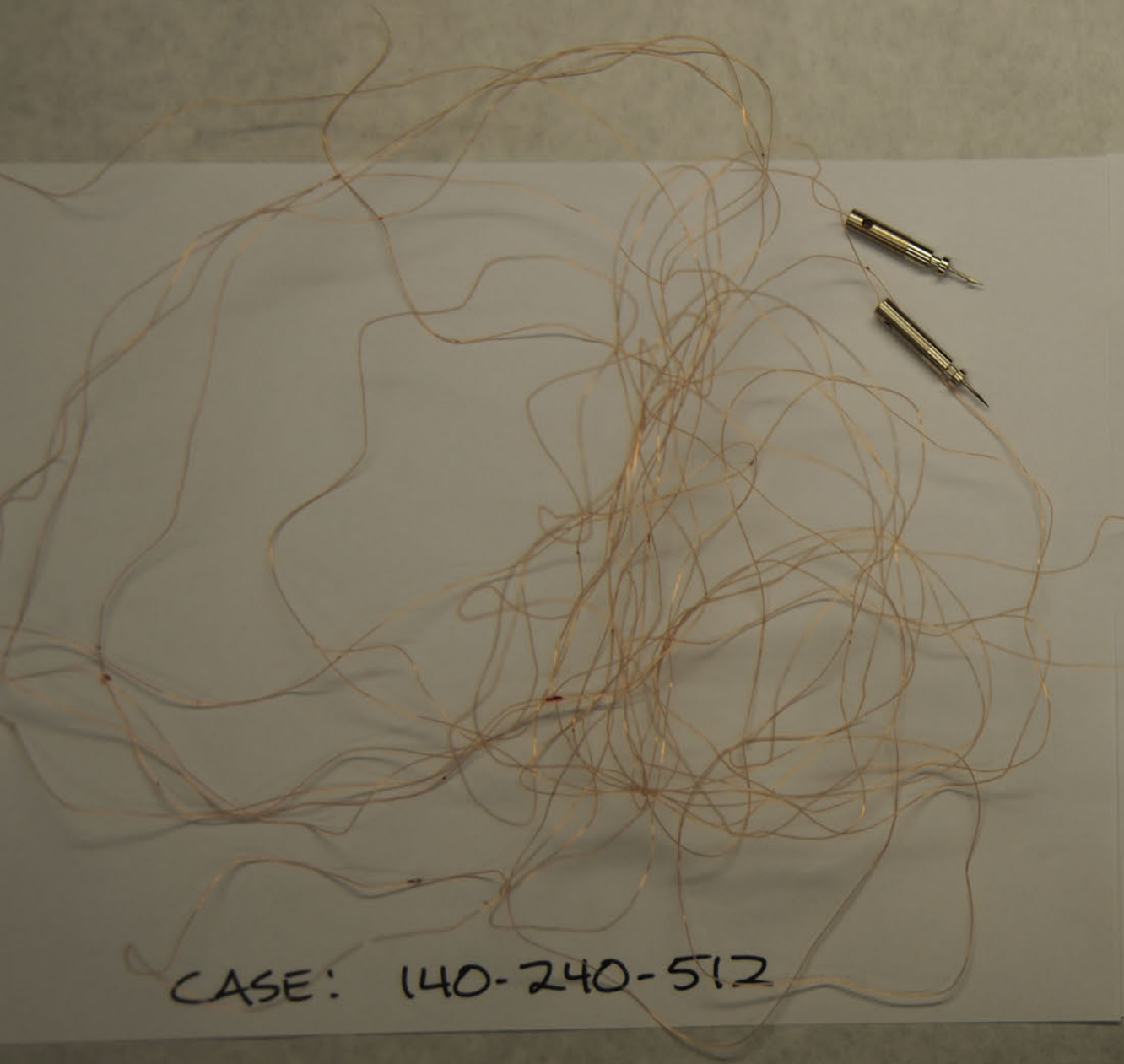
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CASE: 140-240-512



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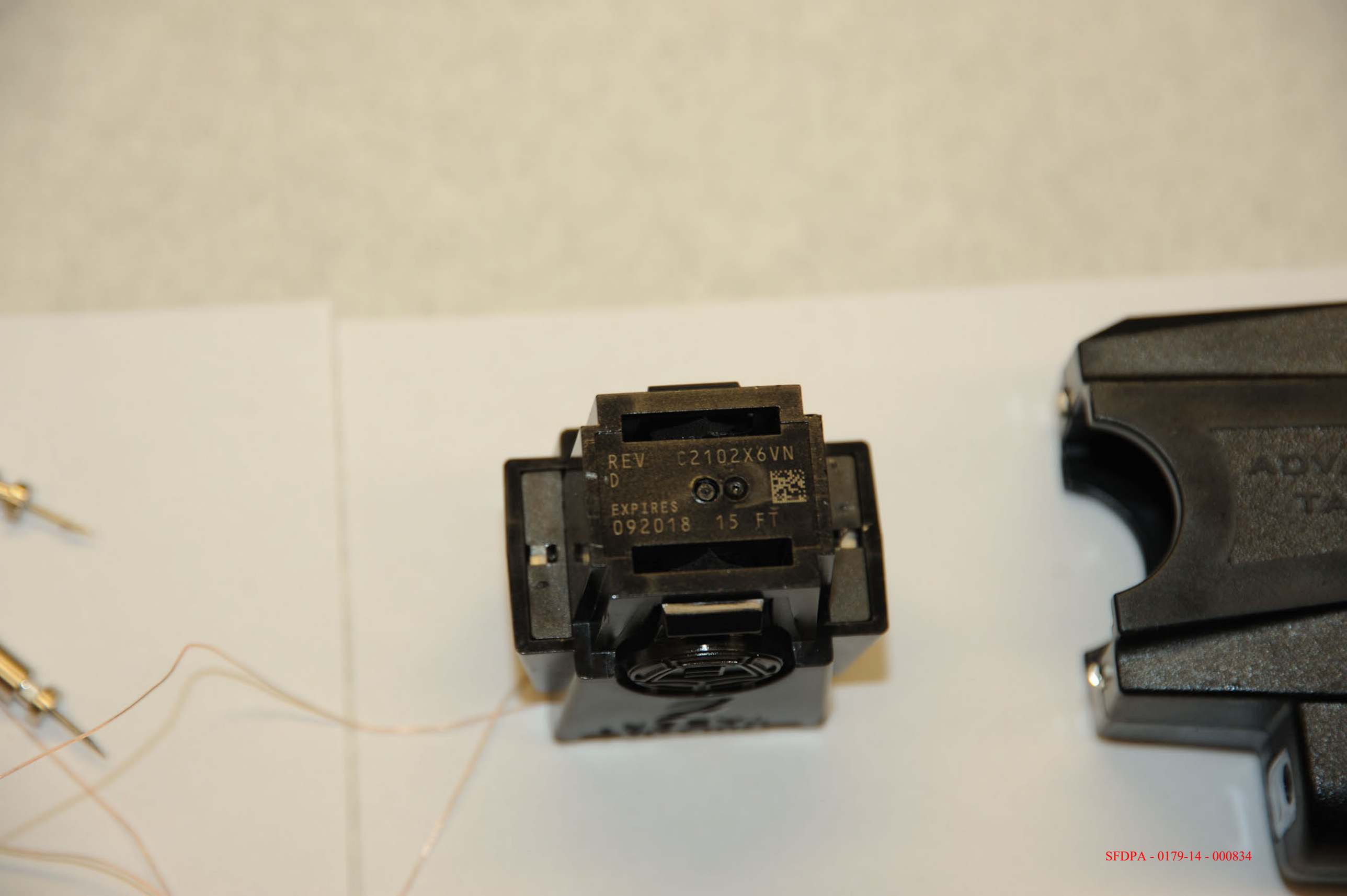


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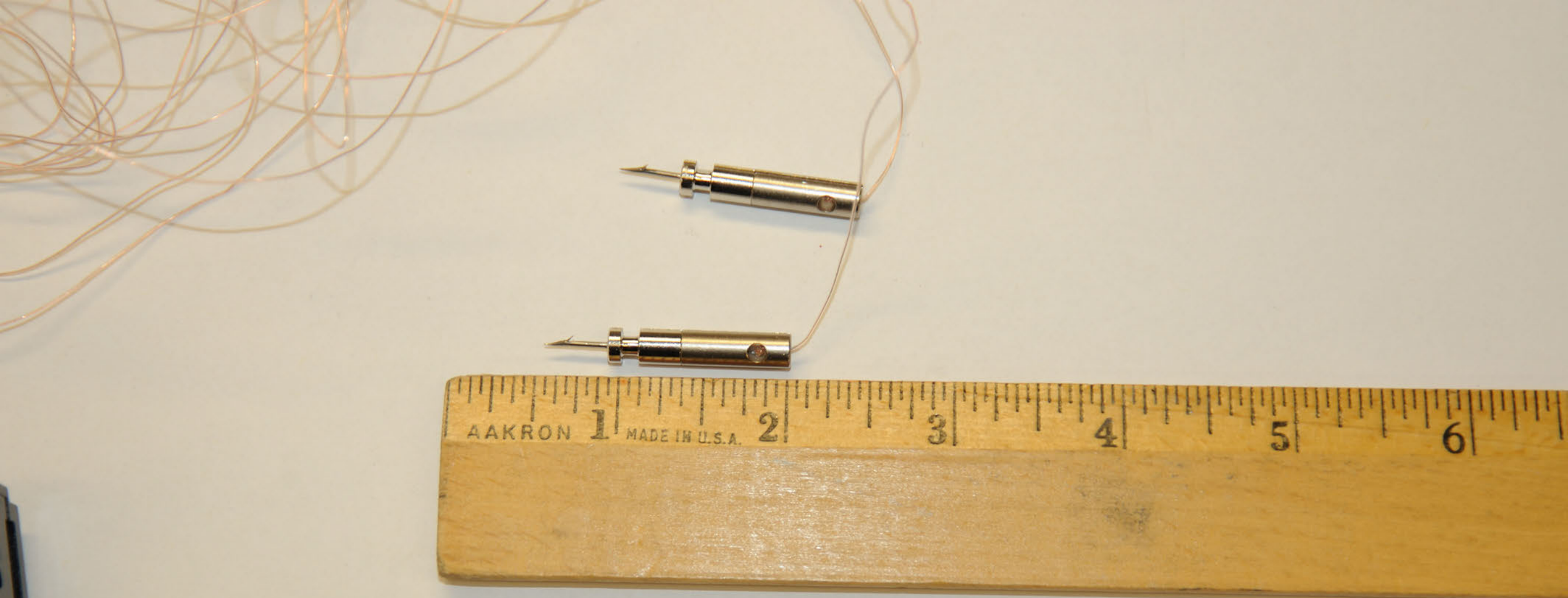
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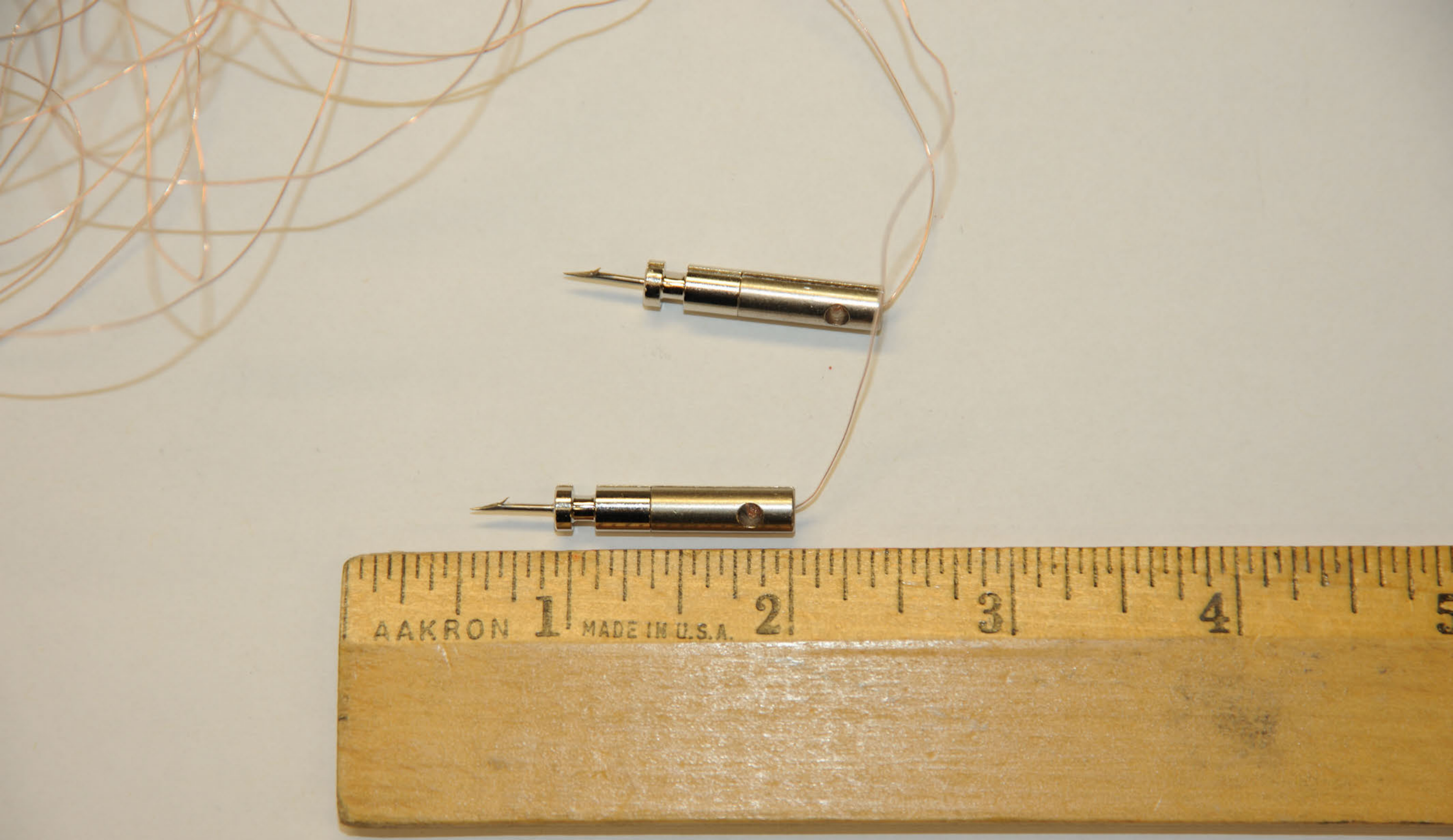
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Attorneys for plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

REFUGIO NIETO and ELVIRA NIETO individually and as the Co-Successors in Interest to ALEJANDRO NIETO;

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO, Police Chief GREG SUHR in his individual capacity & DOES 1-50, individually and in their official capacities as a Police Officer for the City and County of San Francisco, inclusive.

Defendants.

CASE NO.:

COMPLAINT FOR WRONGFUL DEATH AND VIOLATION OF CIVIL RIGHTS AND DAMAGES

JURY TRIAL DEMANDED

INTRODUCTION

1. This claim arises out of an incident that took place on Friday, March 21, 2014 at approximately 7:00 p.m. at Bernal Heights Park in the City of San Francisco, California wherein

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Decedent, Alejandro "Alex" Nieto was unlawfully shot and killed by several yet to be identified San Francisco Police Officers.

2. In the aftermath of the incident, the City and County of San Francisco ("CCSF") and the involved Officers claimed Alex defied Officers' orders and pointed a taser at them. The Officers claimed they mistook the taser for a handgun, causing them to fear for their lives and as a result shot and killed him. After an independent investigation led by the community and the Law Offices of John L. Burris, witnesses along with physical evidence was uncovered which contradicts CCSF's version of the events.

3. To date, CCSF has refused to release the involved Officers' names. Instead, CCSF has engaged in a media campaign to besmirch Alex's reputation as a well known San Francisco resident who never sustained a single arrest, was an active community organizer, college student, and local law enforcement volunteer.

JURISDICTION

4. This action arises under Title 42 of the United States Code, Section 1983. Title 28 of the United States Code, Sections 1331 and 1343 confers jurisdiction upon this Court. The unlawful acts and practices alleged herein occurred in San Francisco, California, which is within this judicial district. Title 28 United States Code Section 1391(b) confers venue upon this Court.

PARTIES

5. Plaintiffs herein, REFUGIO NIETO and ELVIRA NIETO, are, and at all times herein mentioned were a citizens of the United States. Plaintiffs are the Co-Successors in interest and biological parents of decedent, ALEJANDRO "ALEX" NIETO. Said plaintiffs are persons with standing to bring the action pursuant to California Code of Civil Procedure Sections 377.30.and 377.60 and California Probate Code Section 6402. Decedent, ALEJANDRO "ALEX" NIETO, was not married at the time of his death, did not have children and died without leaving a will.

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6. Defendant CITY AND COUNTY OF SAN FRANCISCO (hereinafter referred to as "CCSF") is and at all times mentioned herein a municipal corporation, duly authorized to operate under the laws of the State of California. Under its supervision, the CITY AND COUNTY OF SAN FRANCISCO operates the San Francisco Police Department ("SFPD").

7. Defendant GREG SUHR (hereinafter referred to as Chief Suhr) is, and at all times mentioned herein, sued in his individual capacity.

8. Plaintiffs are ignorant of the true names and/or capacities of defendants sued herein as DOES 1 through 50, inclusive, and therefore sue said defendants by such fictitious names. Plaintiffs will amend this complaint to allege their true names and capacities when ascertained. Plaintiffs believe and allege that each of the DOE defendants is legally responsible and liable for the incident, injuries and damages hereinafter set forth. Each defendant proximately caused injuries and damages because of their negligence, breach of duty, negligent supervision, management or control, violation of public policy and/or use of excessive force. Each defendant is liable for his/her personal conduct, vicarious or imputed negligence, fault, or breach of duty, whether severally or jointly, or whether based upon agency, employment, ownership, entrustment, custody, care or control or upon any other act or omission. Plaintiffs will ask leave to amend this complaint subject to further discovery.

9. In engaging in the conduct alleged herein, defendant police officers acted under the color of law and in the course and scope of their employment with CCSF. In engaging in the conduct described herein, defendant police officers exceeded the authority vested in them as police officers, under the United States and California Constitutions, and as employees of CCSF.

10. For State causes of action related to Federal claims, plaintiffs are required to comply with an administrative claim requirement under California law. On April 14, 2014, Plaintiffs filed a Government Tort Claim with the City and County of San Francisco advising CCSF, Plaintiffs intended to file a lawsuit against CCSF and the Officers should CCSF continue to stonewall their efforts to obtain the fruits of CCSF's investigation into this incident and/or continue to deny civil liability for the death of Alex Nieto. On May 27, 2014, CCSF rejected Plaintiffs' Claim without providing a scintilla of information as to why CCSF denied the Claim.

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STATEMENT OF FACTS

11. On Friday, March 21, 2014, Mr. Alejandro Nieto began his evening at the home he shared with his mother, father and younger brother. He left the family home intent on getting some food before he went to work as a security guard at a nearby restaurant. To that end, Mr. Nieto bought a burrito and went to Bernal Heights Park to enjoy his meal and the view of the City and neighborhood he loved. Once he arrived at the Park he found a bench and began eating his dinner.

12. Witnesses recount seeing Mr. Nieto at the park peacefully sitting alone on the bench enjoying his burrito. A yet to be identified person called 911 and erroneously reported Mr. Nieto as having a black gun on his hip. The caller mistook the black and yellow taser Mr. Nieto lawfully carried for use on his security job for a gun. However, the caller did not claim Mr. Nieto was bothering anyone or making any type of threatening gestures with the reported "gun."

13. Several SFPD Officers converged on the park determined to investigate the call and confront the reported "gunman." An SFPD Patrol car entered the park and drove up a fire trail before stopping approximately 75 to 100 feet away from Mr. Nieto who at that time was casually walking down the jogging trail to the Park's entrance. Two Officers emerged from the patrol car and immediately took cover using their car for protection. Several other Officers had also gathered on the jogging path, appeared to be carrying rifle-type guns and were positioned behind Mr. Nieto. One of the Officers behind the patrol car called out and ordered Mr. Nieto to "stop."

14. Within seconds a quick volley of bullets were fired at Mr. Nieto. No additional orders or any other verbal communication was heard between the first Officer yelling "stop" and the initial volley of gunfire that rang out. Mr. Nieto fell to the ground. After a brief pause of just a second or two, a second barrage of shots were fired. The Officers' bullets struck Mr. Nieto in his forehead and at least nine other places leaving his body grossly disfigured and mortally wounded.

15. In the aftermath of the incident, SFPD claims Mr. Nieto refused to comply with Officers' requests for him to show them his hands and instead pointed the taser at them, challenged their authority forcing the Officers to shoot him. However, the ear and eye witness' revelations undermine SFPD's claims. Based upon the witnesses' accounts there, in fact, was no justification for this unwarranted use of deadly force as contrary to the Defendants' claims, they did not hear Mr.

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Nieto threaten anyone or see him attempt to grab or point any object at the Officers prior to being shot.

16. The above-described intentional and/or negligent conduct by defendants was a factual and proximate cause of Decedent's death and Plaintiff's damages.

17. Plaintiffs are informed and believe and thereon allege that CCSF, Chief Suhr and DOES 26-49, inclusive, breached their duty of care to the public in that they have failed to discipline defendant John Doe SFPD Officers 1-25 inclusive, for their respective misconduct and involvement in the incident described herein. Their failure to discipline defendant John Doe SFPD Officers 1-25 inclusive, demonstrates the existence of an entrenched culture, policy or practice of promoting, tolerating and/or ratifying with deliberate indifference, the use of excessive and/or deadly force and the fabrication of official reports to cover up defendant John Doe SFPD Officers 1-25's inclusive, misconduct.

18. Plaintiffs are informed and believe and thereon allege that members of the San Francisco Police Department, including, but not limited to DOES 1-25 and/or each of them, have individually and/or while acting in concert with one another used excessive, arbitrary and/or unreasonable force against decedent, ALEJANDRO NIETO.

19. Plaintiffs' are further informed, believe and therein allege that as a matter of official policy -- rooted in an entrenched posture of deliberate indifference to the constitutional rights of persons who live, work or visit the City of San Francisco, SFPD has allowed persons to be abused by its Police Officers including defendant DOES 1-25 and/or each of them, individually and/or while acting in concert with one another.

20. Plaintiffs' are informed, believe and therein allege that SFPD Police Officers exhibit a pattern and practice of using excessive and/or deadly force against citizens, as evidenced by the 97 SFPD Officer involved shootings that have occurred since 2000. Of those 97 shootings, 33 people have died and 35 people have been injured. In each and every one of the shooting cases wherein a person died as a result of the Officers' use of deadly force, SFPD has found the Officer used deadly force within policy even under the most questionable of circumstances. SFPD's failure to discipline or retrain any of the involved Officers is evidence of an official policy, entrenched culture and

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posture of deliberate indifference toward protecting citizen's rights and the resulting deaths and injuries is a proximate result of SFPD's failure to properly supervise its Police Officers and ratify their unconstitutional conduct.

21. Plaintiffs are informed, believe and therein allege that CCSF knew, had reason to know by way of actual or constructive notice of the aforementioned policy, culture, pattern and/or practice and the complained of conduct and resultant injuries/violations.

22. Plaintiffs are ignorant of the true names and capacities of Defendants DOES 1 through 25, inclusive, and therefore sue these defendants by such fictitious names. Plaintiffs are informed, believe, and thereon allege that each defendant so named is responsible in some manner for the injuries and damages sustained by plaintiffs as set forth herein. Plaintiffs will amend their complaint to state the names and capacities of DOES 1-50, inclusive, when they have been ascertained.

DAMAGES

23. Plaintiffs Refugio Nieto and Elvira Nieto were mentally, and emotionally injured and damaged as a proximate result of decedent's wrongful death, including but not limited to: Plaintiffs' loss of familial relations, decedent's society, comfort, protection, companionship, love, affection, solace, and moral support as a consequence of Defendants' violation of Plaintiffs' federal civil rights under 42 U.S.C. §1983 and the Fourteenth Amendment.

24. Plaintiffs Refugio Nieto and Elvira Nieto are entitled to recover wrongful death damages pursuant to C.C.P. Sections 377.60 and 377.61 and Probate Code Section 6402(b).

25. Plaintiffs Refugio Nieto and Elvira Nieto as Co-Successors in interest to Alejandro Nieto are entitled to recover damages pursuant to the decedent's right of survivorship for the pain and suffering he endured as a result of the violation of his civil rights.

26. Plaintiffs Refugio Nieto and Elvira Nieto found it necessary to engage the services of private counsel to vindicate the rights of decedent and plaintiff under the law. Plaintiffs are therefore entitled to an award of attorneys' fees and/or costs pursuant to statute(s) in the event that they are the prevailing parties in this action under 42 U.S.C. §§§§ 1983, 1985-86 and 1988.

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FIRST CAUSE OF ACTION

Violation of Fourth Amendment of the United States Constitution

(42 U.S.C. §1983)

(Refugio Nieto and Elvira Nieto as Co-Successors in interest to Alejandro Nieto v. DOES 1-25)

27. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 26 of this complaint.

28. Defendants' above-described conduct violated Decedent's right, as provided for under the Fourth Amendment to the United States Constitution, to be free from excessive and/or arbitrary and/or unreasonable use of deadly force against him.

29. Alejandro Nieto was forced to endure great conscious pain and suffering because of the Defendants' conduct before his death;

30. Alejandro Nieto did not file a legal action before his death;

31. Plaintiffs Refugio Nieto and Elvira Nieto, as Co-Successors in interest of Alejandro Nieto claims damages for the conscious pain and suffering incurred by Alejandro Nieto, as provided for under 42 U.S.C. §1983.

32. Defendants acted under color of law by shooting and killing decedent without lawful justification and subjecting decedent to excessive force thereby depriving the decedent of certain constitutionally protected rights, including, but not limited to:

a. The right to be free from unreasonable searches and seizures, as guaranteed by the Fourth Amendment to the United States Constitution;

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

SECOND CAUSE OF ACTION

(Violations of Plaintiffs' Civil Rights to Familial Relationship)

(42 U.S.C. § 1983)

(Refugio Nieto and Elvira Nieto v. DOES 1-25)

33. Plaintiffs hereby re-allege and incorporate by reference herein paragraphs 1 through 32 of this Complaint as though fully set forth;

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34. Defendants, acting under color of state law, and without due process of law, deprived Plaintiffs of their right to a familial relationship by seizing Decedent by use of unreasonable, unjustified and deadly force and violence, causing injuries which resulted in Decedent's death, all without provocation and did attempt to conceal their extraordinary use of force and hide the true cause of Decedent's demise to deprive Plaintiffs of their right to seek redress in violation of their rights, privileges, and immunities secured by the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

THIRD CAUSE OF ACTION

(Monell – 42 U.S.C. section 1983)

(Refugio Nieto and Elvira Nieto v. CCSF, Chief Suhr and DOES 26-50)

35. Plaintiffs hereby re-allege and incorporate by reference herein paragraphs 1 through 34 of this Complaint.

36. Plaintiffs are informed and believe and thereon allege that high-ranking CCSF officials, including high-ranking police supervisors such as Chief SUHR and DOES 26 through 50, and/or each of them, knew and/or reasonably should have known about the repeated acts unconstitutional use of deadly force by SFPD Officers.

37. Despite having such notice, Plaintiffs are informed and believe and thereon allege that CITY, Chief SUHR & DOES 26-50, and/or each of them, approved, ratified, condoned, encouraged, sought to cover up, and/or tacitly authorized the continuing pattern and practice of misconduct and/or civil rights violations by SFPD which brought about Defendant DOES 1-25 unlawfully shooting Alejandro Nieto to death.

38. Plaintiffs are further informed and believe and thereon allege that as a result of the deliberate indifference, reckless and/or conscious disregard of the misconduct by Defendants DOES 1-25 and/or each of them, ratified and encouraged these officers to continue their course of misconduct.

39. Plaintiffs further allege that Defendant DOES 26-50, and/or each of

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them, were on notice of the Constitutional defects in their training of SFPD police officers, including, but not limited to unlawfully using deadly force to make detentions and/or arrests.

40. The aforementioned acts and/or omissions and/or deliberate indifference by high ranking CCSF officials, including high ranking SFPD supervisors, Chief SUHR and DOES 26-50, and each of them resulted in the deprivation of Plaintiffs' constitutional rights including, but not limited to the right to not be deprived of life, liberty or property without due process of the law, as guaranteed by the Fourteenth Amendment to the United States Constitution and the right to be free from excessive force by police officers, as guaranteed by the Fourth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs prays for relief as hereinafter set forth.

FOURTH CAUSE OF ACTION
(Wrongful Death - Negligence)
(C.C.P. §377.60 and 377.61)
(Refugio Nieto and Elvira Nieto
v. CCSF under theory of respondeat superior & DOES 1-25)

41. Plaintiffs re-allege and incorporate by reference herein paragraphs 1 through 40 of this Complaint, except for any and all allegations of intentional, malicious, extreme, outrageous, wanton, and oppressive conduct by defendants, and any and all allegations requesting punitive damages.

42. Defendants CCSF under theory of respondeat superior and DOES 1-25 inclusive, by and through their respective agents and employees, proximately caused the death of decedent Alejandro Nieto as a result of their negligent conduct and/or negligent failure to act as set-forth herein.

43. As an actual and proximate result of said defendants' negligence, and the death of decedent, Plaintiffs Refugio Nieto and Elvira Nieto have sustained pecuniary loss along with the loss of comfort, society, and services of their son in an amount according to proof at trial.

44. As a further actual and proximate result of said defendants' negligence, Plaintiffs incurred funeral and burial expenses, in an amount according to proof at trial.

45. Pursuant to California C.C.P. Sections 377.60 and 377.61, Plaintiffs have brought this action, and claims damages against said defendants for the wrongful death of decedent, and the

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resulting injuries.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

FIFTH CAUSE OF ACTION

(Battery)

(Refugio Nieto and Elvira Nieto as Co-Successors in interest to Alejandro Nieto v. CCSF under theory of respondeat superior & DOES 1-25)

46. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 45 of this complaint.

47. Defendants' above-described conduct constituted a battery.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

JURY DEMAND

Plaintiffs hereby demand a jury trial.

PRAYER

WHEREFORE, Plaintiffs pray for relief, as follows:

1. For general damages in a sum to be determined at trial;

2. For special damages, including but not limited to, past, present and/or future wage loss, income and support, medical expenses and other special damages in a sum to be determined according to proof;

3. For funeral and burial expenses according to proof;

4. For punitive damages and exemplary damages in amounts to be determined according to

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proof as to defendant Officers DOES 1 through 25 and/or each of them;

5. For reasonable attorney's fees pursuant to 42 U.S.C. §1988;

6. For cost of suit herein incurred.

Dated: August 22, 2014

THE LAW OFFICES OF JOHN L. BURRIS

/s/ John L. Burris
JOHN L. BURRIS
Attorneys for Plaintiffs
REFUGIO NIETO AND ELVIRA NIETO

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JS 44 (Rev. 12/12) cand rev (1/15/13)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

REFUGIO NIETO and ELVIRA NIETO individually and as the Co-Successors in Interest to ALEJANDRO NIETO

(b) County of Residence of First Listed Plaintiff San Francisco
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
John L. Burris, Esq., Law Offices of John L. Burris
Adante D. Pointer, Esq., Law Offices of John L. Burris
7677 Oakport St. Ste 1120, Oakland, CA 94621 Tele: (510) 839-5200

DEFENDANTS

City and County of San Francisco, Police Chief Greg Suhr in his individual capacity & Does 1-50, individually and in their official capacities as Police Officers for the City and County of San Francisco

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☒ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
42 U.S.C. Section 1983

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
08/22/2014

SIGNATURE OF ATTORNEY OF RECORD
/s/ John L. Burris

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

(Place an "X" in One Box Only) ☑ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA

ATTACHMENT "A"

Claimants object to your Claim Form because it requires information which constitutes an invasion of the Claimants' privacy. Moreover, the information is not required to be provided by the Claimants under California Government Code Section 910. For example, California Government Code Section 910 does not require that the Claimants provide their home and work numbers, driver's license number, date of birth, auto insurance name and policy number, a diagram of the location of the incident, any statements by the Claimants as to their reasons "for believing the City is liable for your damages, "or a description" of all damages which you believe you have incurred as a result of the incident." For the purposes of this document "CLAIMANTS" means the individual claimant, claimants plural, and all plaintiffs and parties in interest represented by the LAW OFFICES OF JOHN BURRIS. Therefore, Claimants submit the following information in support of their Claim pursuant to Government Code Section 910:

CLAIMANTS' NAME: Refugio and Elvira Nieto

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT: LAW OFFICES OF JOHN L. BURRIS, Airport Corporate Centre, 7677 Oakport Street, Suite 1120, Oakland, CA 94621

CLAIMANTS' TELEPHONE NUMBER: C/O LAW OFFICES OF JOHN L. BURRIS, ESQ. (510) 839-5200

PLEASE NOTE: COUNSEL REPRESENTS CLAIMANTS AND ALL CONTACT SHOULD BE MADE WITH THEIR ATTORNEY ONLY.

DATE AND TIME OF INCIDENT: March 21, 2014 at approximately 7:00 p.m.

LOCATION OF INCIDENT: Bernal Heights Park in the City of San Francisco, California.

THE FOLLOWING PROVIDES A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGES OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM" AND "THE NAME OR NAMES OF THE PUBLIC EMPLOYEE OR EMPLOYEES CAUSING THE INJURY, DAMAGES, OR LOSS, IF KNOWN: [Per Government Code Section 910].

DESCRIPTION OF INCIDENT:

This claim arises out of an incident that took place on Friday, March 21, 2014 at approximately 7:00 p.m. at Bernal Heights Park in the City of San Francisco, California wherein Decedent, Alejandro Nieto was unlawfully shot and killed by several yet to be identified San Francisco Police Officers.

Mr. Nieto began that Friday evening at the home he shared with his mother, father and younger brother. He left the family home intent on getting some food before he went to work as a security guard at a nearby restaurant. To that end, Mr. Nieto bought a burrito and went to

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Bernal Heights Park to enjoy his meal and the view of the City and neighborhood he loved. Once he arrived at the Park he found a bench and began eating his meal.

Witnesses recount seeing Mr. Nieto at the Park sitting alone on a bench and peacefully enjoying his meal. A yet to be identified person called 911 and erroneously reported Mr. Nieto as having a black gun on his hip. The caller mistook the black and yellow taser Mr. Nieto lawfully carried for use on his security job for a gun. However, the caller did not claim Mr. Nieto was bothering anyone or making any type of threatening gestures with the reported gun. Nevertheless, several SFPD Officers converged on the Park determined to investigate the call and confront the reported "gunman."

An unknown number of San Francisco Police Officers approached and confronted Mr. Nieto who was standing approximately 75 feet away. The Officers incorrectly presumed Mr. Nieto was armed with a gun and fired multiple shots at him. Witness accounts and audio recordings indicate the Officers initially fired two or three shots, paused and then fired several more shots in rapid succession. Mr. Nieto was struck at least 10 times including once in the forehead and nine other places across his body leaving the 28 year-old mortally wounded.

For their part, SFPD claims Mr. Nieto refused to comply with Officers' requests for him to show them his hands and instead pointed the taser at them. There are serious concerns as to how professionally well trained police officers could mistake a black and yellow taser for handgun in broad daylight. Moreover, many people that knew Mr. Nieto, both personally and professionally, describe the alleged behavior as being out of character for the practicing Buddhist and San Francisco Probation Department intern who had never been arrested in his life.

In the wake of Alejandro's death, the San Francisco Police Department has engaged in heavy-handed tactics that have intimidated and further harmed his family. For example, despite this incident occurring at 7 p.m. on Friday, no one contacted the family until the following day. Mr. Nieto's parents were in shock and disbelief when after being questioned in their home for over 30 minutes, SFPD Investigators finally told them that their son was dead. The Officers then asked Mr. Nieto's parents for permission to search his room while the grieving parents' were in the throes of dealing with the emotions surrounding the untimely death of their oldest son and family breadwinner.

Unfortunately, SFPD did not relent in its quest to further disrupt the family's life. Mr. Nieto did not drive to the Park on the day of the incident and his car was lawfully parked at his home. Nevertheless, SFPD unlawfully towed, impounded and searched Mr. Nieto's car without permission or a search warrant. Adding insult to injury, SFPD significantly damaged the car by removing items from it and physically taking apart the car's interior. Mr. Nieto's car was only returned after San Francisco Supervisor David Campos graciously came to the Nieto family's aid and contacted the Police Department on their behalf. The car, similar to the Nieto family, remains torn apart and damaged.

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DESCRIPTION OF CLAIM:

Claimants allege that the conduct of individual employees, agents, and/or servants of the City and County of San Francisco ("CCSF") constitute violations of State law which may include, but are not limited to, wrongful death, assault, battery, false arrest, negligence and takings.

Claimants allege those individual employees, agents and/or servants of CCSF are responsible for Claimants' injuries, acts and/or omissions committed within the course or scope of employment under the theory of respondeat superior. Respondeat superior liability includes, but is not limited to, negligent training, supervision, control and/or discipline.

Individual employees, agents, and/or servants of CCSF include, but are not limited to, the Chief of Police or an individual of comparable title, in charge of law enforcement for SFPD, and DOES 1-100, and/or each of them, individually and/or while acting in concert with one another.

Claimants will allege other causes of action subject to continuing discovery.

DESCRIBE INJURY OR DAMAGE:

Claimants have, or may have in the future, claims for general damages including, but not limited to, claims for pain, suffering, loss of comfort, society and emotional distress in amounts to be determined according to proof.

Claimants may have and/or may continue to have in the future, claims for special damages, including, but not limited to, claims for medical and related expenses, burial expenses, lost financial support, lost wages and damage to property and/or other special damages in amounts to be determined according to proof.

Claimants may have, and/or may continue to have in the future, damages for permanent mental injuries, permanent mental scarring and/or other psychological disabilities in an amount according to proof.

NAME OF PUBLIC EMPLOYEE(S) BELIEVED TO HAVE CAUSED INJURY OR DAMAGE:

See description of the incident, above.

DEMAND FOR PRESERVATION OF EVIDENCE:

Claimants do hereby demand that City and County of San Francisco including, but not limited to the San Francisco Police Department, San Francisco District Attorney's Office, San Francisco Sheriff's Department and San Francisco Medical Examiner's Office their employees, agents, servants and/or attorneys, maintain and preserve all evidence, documents and tangible materials which relate in any manner whatsoever to the subject matter of this Claim, including until the completion of any and all civil and/or criminal litigation arising from the events which

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are the subject matter of this Claim. This demand for preservation of evidence includes, but is not limited to, a demand that all public safety entities preserve all tapes, logs and/or other tangible materials of any kind until the completion of any and all civil and criminal litigation arising from the subject matter of this claim.

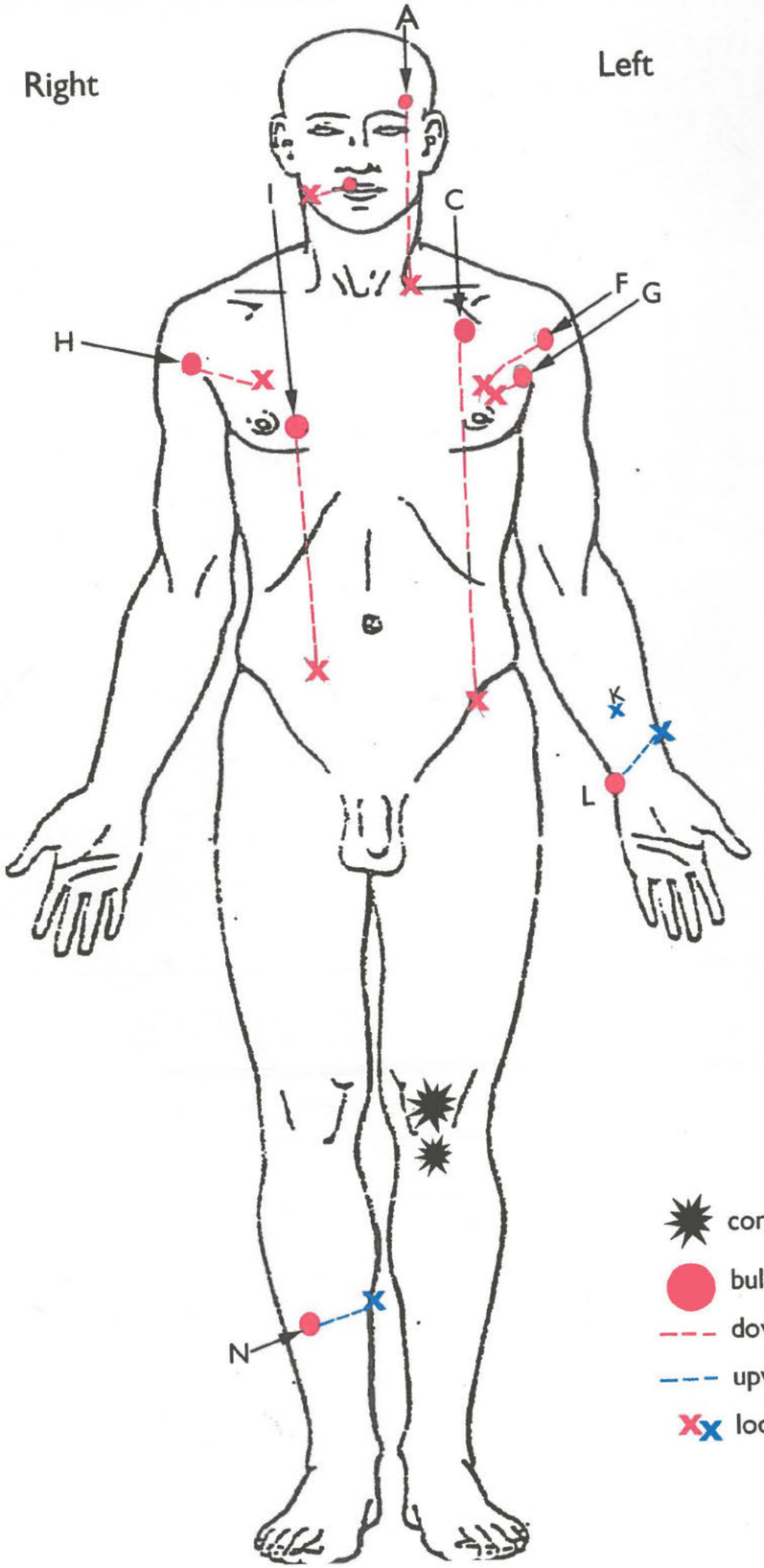
AMOUNT OF CLAIM:

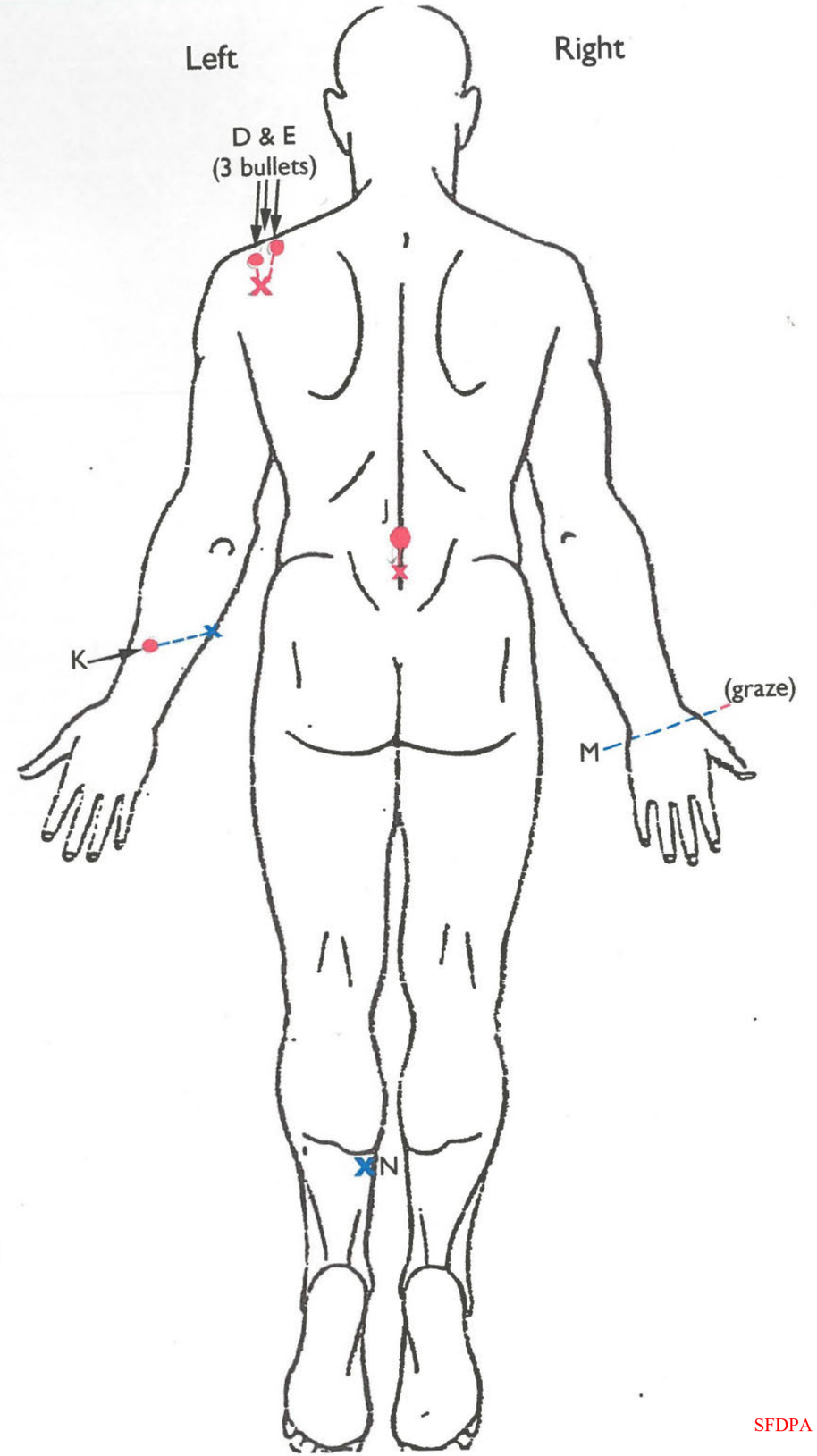
This claim is in excess of $25,000. Jurisdiction is designated as "unlimited" and jurisdiction would be in the Superior Court of the State of California for San Francisco.

DATED: April 14, 2014

ADANTE D. POINTER
Attorney At Law
THE LAW OFFICES OF JOHN L. BURRIS

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contusion

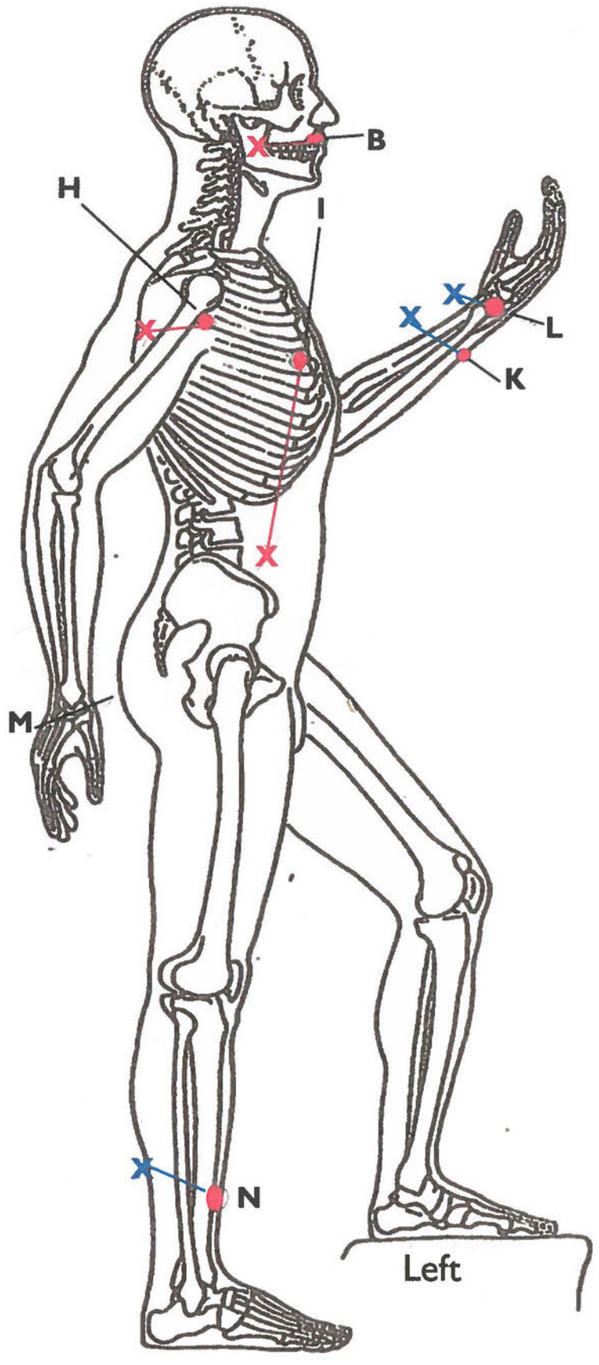
bullet wound

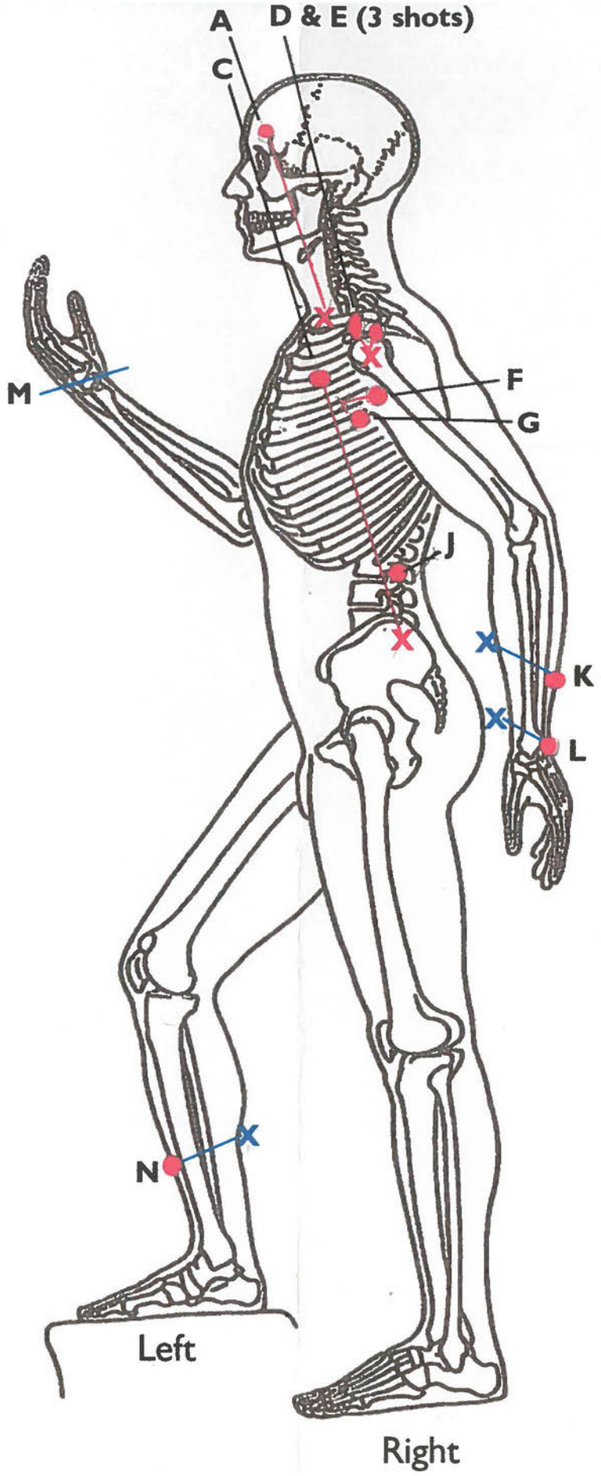
downward path

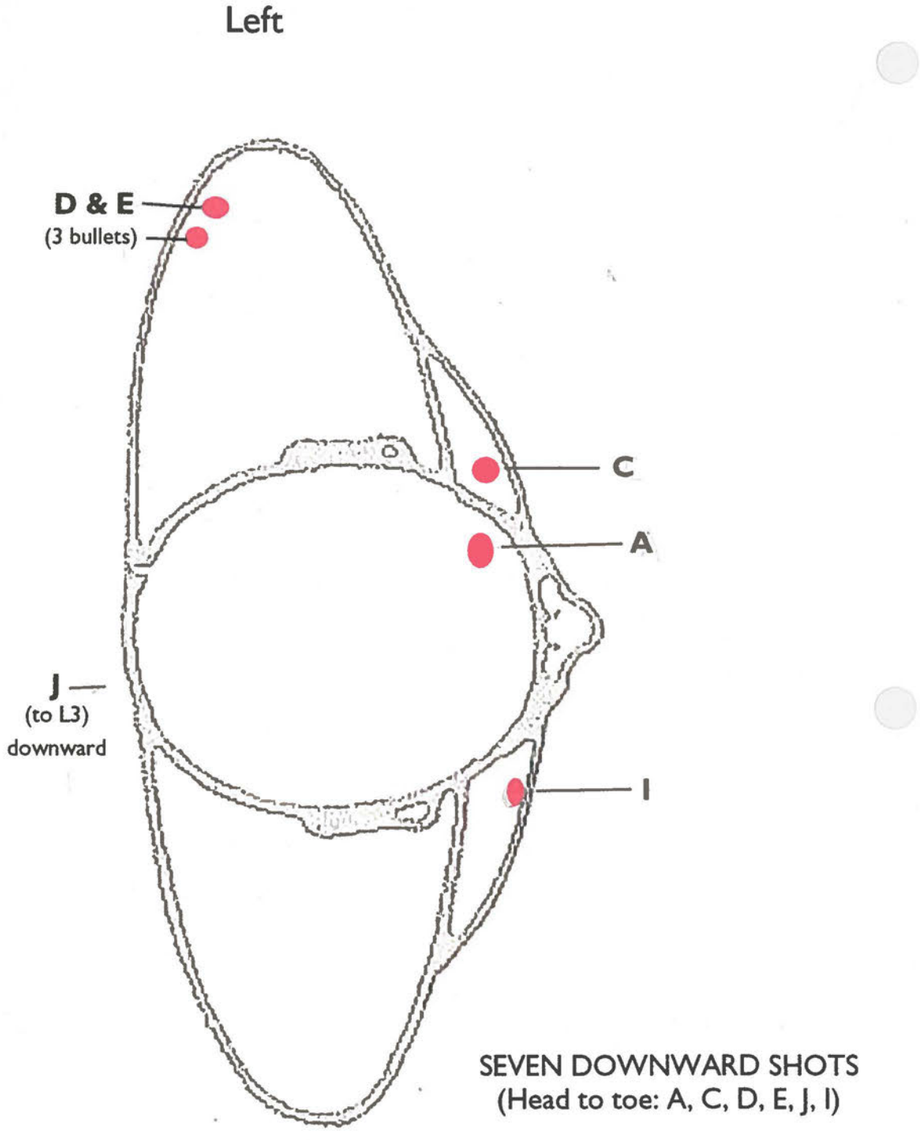
upward path

lodged or exit

SFDPA - 0179-14 - 000860







ALEX NIETO AUTOPSY

Justice4AlexNieto.org

SFDPA - 0179-14 - 000861

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)	TELEPHONE
JOYCE M. HICKS, Executive Director R. Manuel Fortes, Esq. (SBN 139249) Office Of Citizen Complaints City and County of San Francisco 25 Van Ness Avenue, Suite 700 San Francisco, CA 94102	
Insert name of court, judicial district or branch court, if any, and post office and street address OFFICE OF CITIZEN COMPLAINTS, CITY AND COUNTY OF SAN FRANCISCO 25 Van Ness Avenue, Suite 700 San Francisco, CA 94102	
Title of Case: In the Matter of OCC Case No. 0179-14	
SUBPOENA DUCES TECUM	CASE NUMBER: OCC Case No. 0179-14

THE SAN FRANCISCO OFFICE OF CITIZEN COMPLAINTS TO: El Toro Night Club, San Francisco, California

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS in this action as follows UNLESS you make a special agreement with the person named in item 3:**

   a. **Date: Friday 04/24/15 Time: 12:00 p.m.**
   b. **Address: 25 Van Ness Avenue, Suite 700, San Francisco, California 94102**

2. **and you are:**
   a. ☐ **ordered to appear in person.**
   b. ☒ **not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1b (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the Office of Citizen Complaints at the address in item 1b. (4) Mail a copy of your declaration to the party shown at the top of this form. (5) Produce these documents to Investigator Helen Calderon.**
   c. ☐ **ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized pursuant to subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.**
   d. ☐ **ordered to make the original business records described in the accompanying affidavit available for inspection at your business address by the OCC's representative and to permit copying at your business address under reasonable conditions during normal business hours.**
3. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR: Name: Helen Calderon, Investigator Telephone number: (415) 241-7797**
4. **WITNESS FEES: You may be entitled to witness fees, mileage, or both, in the discretion of the Office of Citizen Complaints. Contact the person named in item 3 AFTER your appearance.**

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH.
A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO COMPLY WITH THIS SUBPOENA.

For Commission Use only

Dated: 04/17/2015

JOYCE M. HICKS, Executive Director

By: R. Manuel Fortes, Esq.

(See reverse side for proof of service)

San Francisco Administrative Code Section 96.6

SUBPOENA DUCES TECUM

Penal Code sec 1326 et. seq.

In the Matter of OCC Case No. 0179-14	**CASE NUMBER:** OCC Case No. 0179-14

PROOF OF SERVICE OF SUBPOENA DUCES TECUM

1. I served this *Subpoena Duces Tecum* by delivering a copy personally to the person served as follows:

   a. Person served: [redacted]

   b. Address where served: [redacted]

   c. Date of delivery: 4/17/15

   d. Time of delivery: 3:30 P.M.

2. I received this subpoena for service on *(date)*:

3. ☐ NON-SERVICE RETURN OF SUBPOENA
   a. ☐ After due search, careful inquiry, and diligent attempts at the dwelling house or usual place of abode or usual place of business, I have been unable to make personal delivery of this subpoena duces tecum in this county on the following persons *(specify)*:

   b. Reason:

   (1) ☐ Unknown at address.
   (2) ☐ Moved, forwarding address unknown.
   (3) ☐ No such address.
   (4) ☐ Out-of-county address.
   (5) ☐ Unable to serve by hearing date.
   (6) ☐ Other reasons *(explanation required)*

4. Person serving:

   a. ☒ Not a registered California process server.
   b. ☐ California sheriff, marshal, or constable.
   c. ☐ Registered California process server.
   d. ☐ Employee or independent contractor of a registered California process server
   e. Exempt from registration under California Bus. & Prof. Code Section 22350(b).
   f. Name, address and telephone number and if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
(Date): 4/17/15

Helen Calderon

(Signature)

(For California sheriff, marshal or constable use only)
I certify that the foregoing is true and correct.
(Date):_____

_____

(Signature)

Joyce M. Hicks, Executive Director
R. Manuel Fortes, Esq., SBN 139249
Office of Citizen Complaints
City and County of San Francisco
25 Van Ness Avenue, Suite 700
San Francisco, California 94102
(415) 241-7711

In the Matter of OCC Case No. 0179-14

DECLARATION OF
HELEN CALDERON
IN SUPPORT OF
SUBPOENA DUCES TECUM

I, Helen Calderon, hereby declare the following:

I am an Investigator with the Office of Citizen Complaints of the City and County of San Francisco ("OCC"). The matter of OCC Case No.0179-14 is an investigation of citizen complaints regarding members of the San Francisco Police Department arising out of an incident that occurred in Bernal Hill Park, San Francisco, California, on March 21, 2014.

The OCC hereby requests copies of the following documents from El Toro Night Club:

1) Any and all employment record of Alejandro Nieto;
2) Any and all incident reports and documents involving Alejandro Nieto;
3) Security Guard License of Alejandro Nieto;
4) Firearm Permit for Alejandro Nieto;
5) Baton Permit for Alejandro Nieto;
6) Chemical Agent Permit for Alejandro Nieto;
7) 'Stun Gun' and 'Taser' training documents for Alejandro Nieto; and,
8) Policies, Rules and Procedures of El Toro Night Club regarding the use of firearm, baton, chemical agents, stun guns and Tasers.

This information is relevant and material for the OCC to complete its pending investigation.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed this 17th day of April 2015 at San Francisco, California.

Helen Calderon

Helen Calderon, Investigator

SFDPA - 0179-14 - 000864

In the Matter of
OCC Case No. 0179-14

DECLARATION OF CUSTODIAN OF RECORDS [COMPLIANCE WITH CALIFORNIA EVIDENCE CODE §§1550 AND 1561]

I, _____, declare:

1. I am employed by _____ in the position of _____. I have read the *Subpoena Duces Tecum* and its attached Declaration. I have the authority to certify the information or records requested by the subpoena.

2. The copies of information or records provided here are true copies of all the information or records described in the *Subpoena Duces Tecum*.

3. The information or records were prepared by _____, in the ordinary course of business at or near the time of the act, condition, or event.

4. The information or records provided herewith consist of the following:

_____

_____

_____

5. The information or records were prepared as follows:

_____

_____

_____

I declare under penalty of perjury that the foregoing is true and correct. Executed this ____day of February, 2015, at _____, California.

_____ _____

Signature of Custodian of Records Printed Name of Custodian of Records

SFDPA - 0179-14 - 000865

In the Matter of
OCC Case No. 0179-14

DECLARATION OF CUSTODIAN OF RECORDS [COMPLIANCE WITH CALIFORNIA EVIDENCE CODE §§1550 AND 1561]

I, [redacted] declare:

1. I am employed by [redacted] in the position of [redacted]. I have read the *Subpoena Duces Tecum* and its attached Declaration. I have the authority to certify the information or records requested by the subpoena.

2. The copies of information or records provided here are true copies of all the information or records described in the *Subpoena Duces Tecum*.

3. The information or records were prepared by mel., in the ordinary course of business at or near the time of the act, condition, or event.

4. The information or records provided herewith consist of the following:

Alex Nieto Records -

5. The information or records were prepared as follows:

Faxed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21 day of ~~February~~ April, 2015, at [redacted] SF CA California.

[redacted]
Signature of Custodian of Records

[redacted]
Printed Name of Custodian of Records

SFDPA - 0179-14 - 000866

Form W-4 (2012)

Purpose. Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

Exemption from withholding. If you are exempt, complete only lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2012 expires February 18, 2013. See Pub. 505, Tax Withholding and Estimated Tax.

Note. If another person can claim you as a dependent on his or her tax return, you cannot claim exemption from withholding if your income exceeds $950 and includes more than $300 of unearned income (for example, interest and dividends).

Basic instructions. If you are not exempt, complete the Personal Allowances Worksheet below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earners/multiple jobs situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

Head of household. Generally, you can claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.

Tax credits. You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the Personal Allowances Worksheet below. See Pub. 505 for information on converting your other credits into withholding allowances.

Nonwage income. If you have a large amount of nonwage income, such as interest or dividends, consider making estimated tax payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity income, see Pub. 505 to find out if you should adjust your withholding on Form W-4 or W-4P.

Two earners or multiple jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 505 for details.

Nonresident alien. If you are a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

Check your withholding. After your Form W-4 takes effect, use Pub. 505 to see how the amount you are having withheld compares to your projected total tax for 2012. See Pub. 505, especially if your earnings exceed $130,000 (Single) or $180,000 (Married).

Future developments. The IRS has created a page on IRS.gov for information about Form W-4, at www.irs.gov/w4. Information about any future developments affecting Form W-4 (such as legislation enacted after we release it) will be posted on that page.

[redacted]

Form W-4 (2012)

Purpose. Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

Exemption from withholding. If you are exempt, complete only lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2012 expires February 18, 2013. See Pub. 505, Tax Withholding and Estimated Tax.

Note. If another person can claim you as a dependent on his or her tax return, you cannot claim exemption from withholding if your income exceeds $950 and includes more than $300 of unearned income (for example, interest and dividends).

Basic instructions. If you are not exempt, complete the Personal Allowances Worksheet below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earners/multiple jobs situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

Head of household. Generally, you can claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.

Tax credits. You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the Personal Allowances Worksheet below. See Pub. 505 for information on converting your other credits into withholding allowances.

Nonwage income. If you have a large amount of nonwage income, such as interest or dividends, consider making estimated tax payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity income, see Pub. 505 to find out if you should adjust your withholding on Form W-4 or W-4P.

Two earners or multiple jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 505 for details.

Nonresident alien. If you are a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

Check your withholding. After your Form W-4 takes effect, use Pub. 505 to see how the amount you are having withheld compares to your projected total tax for 2012. See Pub. 505, especially if your earnings exceed $130,000 (Single) or $180,000 (Married).

Future developments. The IRS has created a page on IRS.gov for information about Form W-4, at www.irs.gov/w4. Information about any future developments affecting Form W-4 (such as legislation enacted after we release it) will be posted

[redacted]

[redacted]

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

Licensee Name: NIETO ALEJANDRO
License Type: Guard/Patrolperson Registration
License Number: [redacted]
License Status: CANCELLED/DEATH Definition
Expiration Date: June 30, 2015
Issue Date: June 27, 2007
City: SAN FRANCISCO
County: SAN FRANCISCO
Actions: No

Related Licenses/Registrations/Permits

Number	Name	Type	Status	Actions
1525297	NIETO ALEJANDRO	Baton Permit	CLEAR	No

Disciplinary Actions

No information available from this agency

Public Record Action(s)

This information is updated Monday through Friday - Last updated: APR-20-2015

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BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

Licensee Name: NIETO ALEJANDRO
License Type: Baton Permit
License Number: [redacted]
License Status: CLEAR Definition
Expiration Date: September 30, 2045
Issue Date: September 07, 2013
City: SAN FRANCISCO
County: SAN FRANCISCO

This information is updated Monday through Friday - Last updated: APR-17-2015

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OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. **This interview is regarding OCC case number** 0179-14 **and is taking place on**

   (Date & Time) 03/31/15 @ 9:30 **a.m.**, **at (Location)** OCC

2. **Conducting the interview is** Helen Calderon / Actg. Sgt. Inv. Sherry Fletcher

3. **Also present is**

4. **The member being interviewed is (Name & Star No.)** Lieutenant Jason Sawyer #1127

5. **His/Her representative (or Attorney) is** Harry S. Stern, A

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. **(Title & Last Name)** Lieutenant Sawyer, **have you read the statements of**

   (Complainants) [redacted] **concerning an incident at** Bernal Hill Park **on** Friday 3/21/14**?** [✓] Yes [ ] No

   A. **(If Applicable) Have you read the OCC Added Allegation in this case?** [ ] Yes [ ] No

2. **Have you read General Order 2.08?** [✓] Yes [ ] No

3. **Have you read Rule 21 of General Order 2.01?** [✓] Yes [ ] No

4. **Have you read Section I.A. of General Order 2.04?** [✓] Yes [ ] No

5. **Do you understand these orders?** [✓] Yes [ ] No

Officer (name) you are obligated pursuant to the above DGOs, to cooperate with this OCC investigation, provide your full assistance, and answer all questions posed to you during this investigation truthfully and without evasion.

If your representative interferes with or obstructs this investigation, you will be deemed to have failed to cooperate and be subject to discipline for violation of DGO 2.01 and DGO 2.04.

6. **Are you prepared to be interviewed at this time?** [✓] Yes [ ] No

---

CLOSING:

1. **Is there any other statement relevant to this incident you wish to make at this time?**

   [ ] Yes [✓] No

2. **Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?** NO -

3. **The interview is concluded at (Time)_____**

s:\invforms\memintv.doc

revised 11/24/10

Bernal Heights Park
North Access Road

NOT TO SCALE

Benches

Down Hill
Grass/Dirt

Up Hill
Grass/Dirt

GRASS

Grass

Path

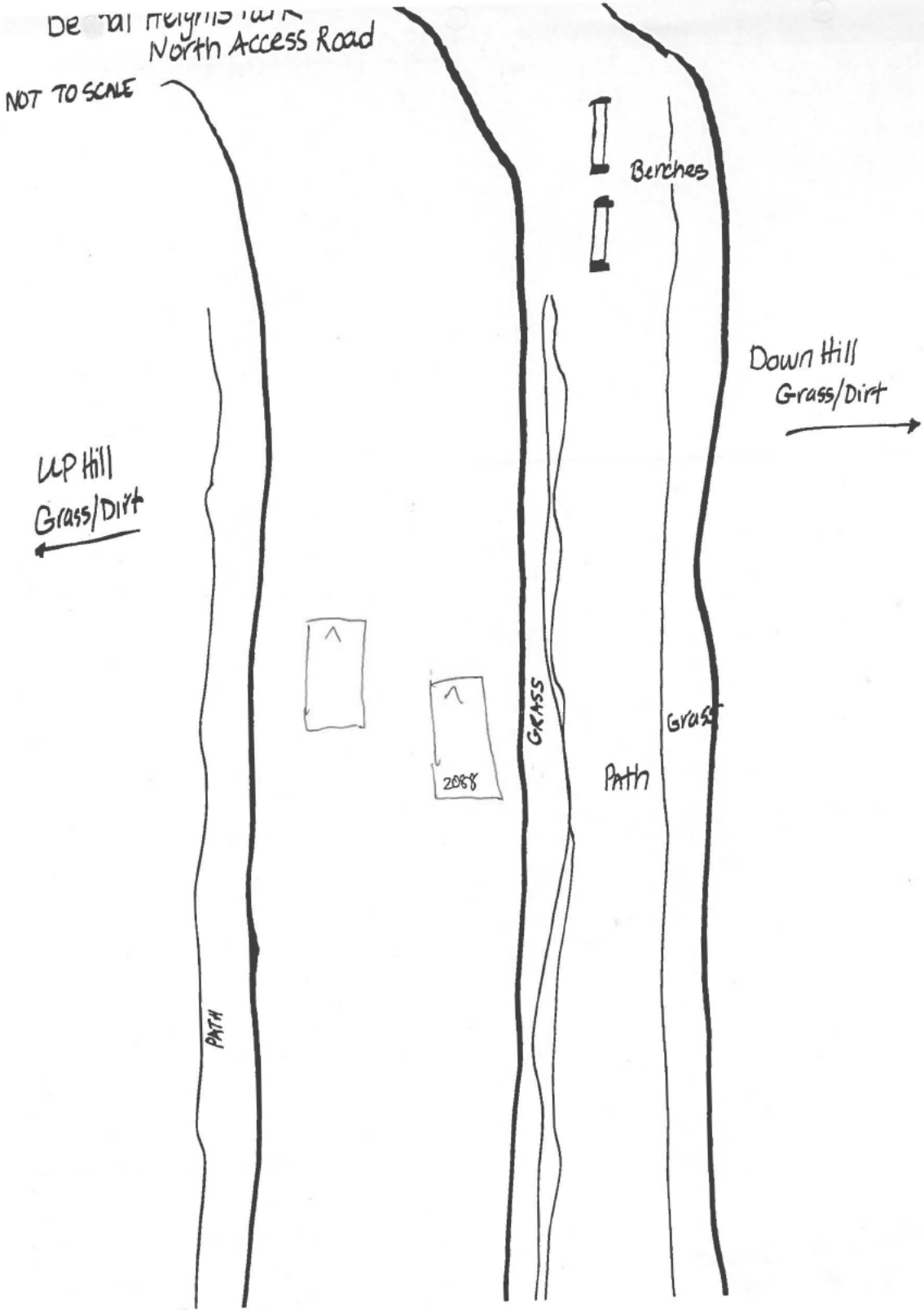
2088

PATH

SFDPA - 0179-14 - 000874

officer initial: VC

Stu #: 2088



SFDPA - 0179-14 - 000876

Officer initial: DC

Stu #: 2088

Bernal Heights Park
North Access Road

NOT TO SCALE

Benches

Down Hill
Grass/Dirt

Up Hill
Grass/Dirt

NIETO

X

GRASS

Grass

Path

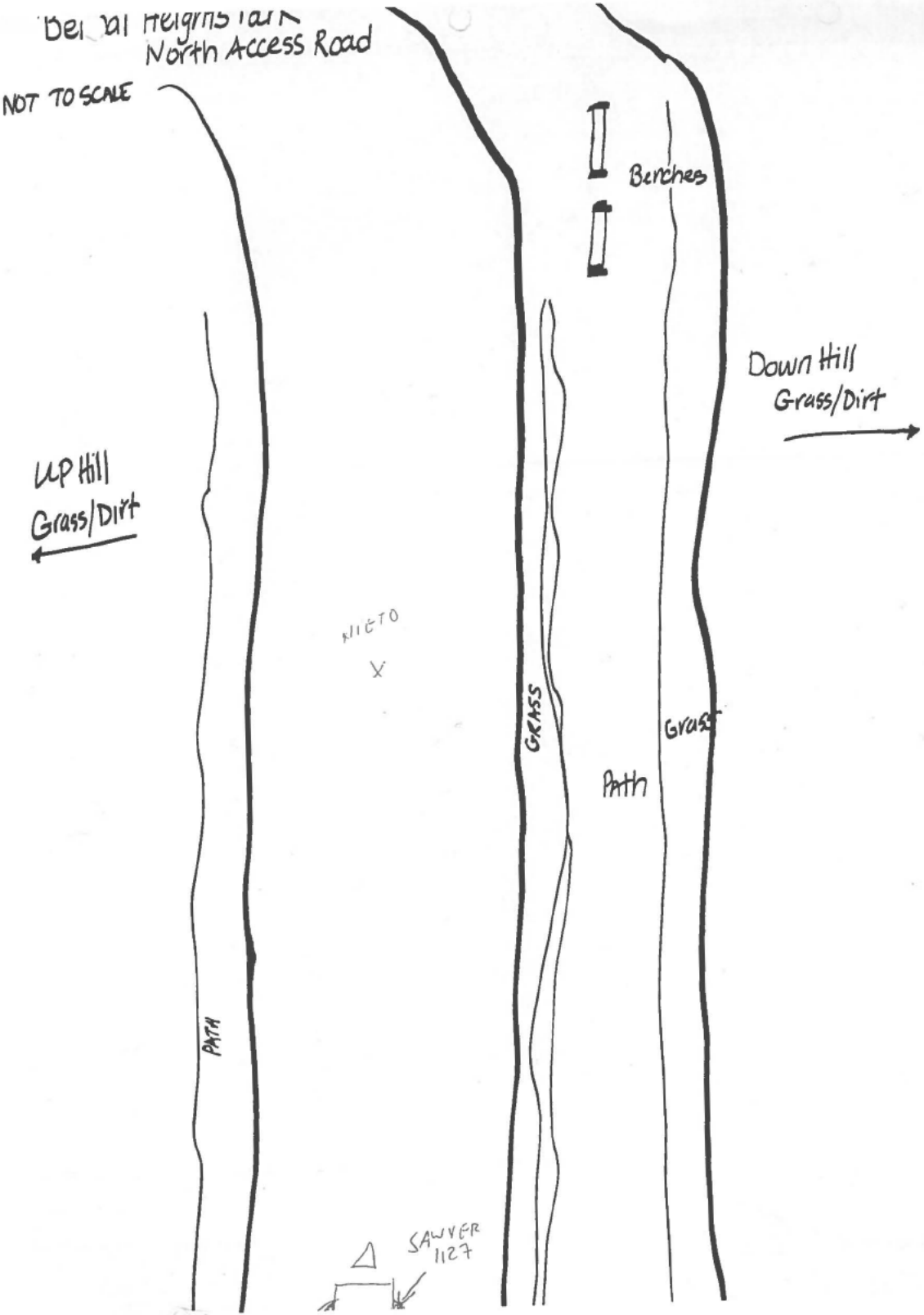
PATH

SAWYER
1127

SFDPA - 0179-14 - 000878

cer initial

Star 1127



SFDPA - 0179-14 - 000880

Officer initial

Star 1127

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 0179-14 and is taking place on (Date & Time) 03/31/15 @ 11:30 a.m., at (Location) OCC
2. Conducting the interview is Helen Calderon
3. Also present is Actng Sr. Inv. Sherry Fletcher.
4. The member being interviewed is (Name & Star No.) Officer Nathan L. Chew # 2088
5. His/Her representative (or Attorney) is Steven Betz

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) Officer Chew, have you read the statement of (Complainants) [redacted] concerning an incident at Bernal Hill Park on Friday 3/21/14? [✓] Yes [ ] No

   A. (If Applicable) Have you read the OCC Added Allegation in this case? [ ] Yes [ ] No

2. Have you read General Order 2.08? [✓] Yes [ ] No
3. Have you read Rule 21 of General Order 2.01? [✓] Yes [ ] No
4. Have you read Section I.A. of General Order 2.04? [✓] Yes [ ] No
5. Do you understand these orders? [✓] Yes [ ] No

Officer (name) you are obligated pursuant to the above DGOs, to cooperate with this OCC investigation, provide your full assistance, and answer all questions posed to you during this investigation truthfully and without evasion.

If your representative interferes with or obstructs this investigation, you will be deemed to have failed to cooperate and be subject to discipline for violation of DGO 2.01 and DGO 2.04.

6. Are you prepared to be interviewed at this time? [✓] Yes [ ] No

---

CLOSING:

1. **Is there any other statement relevant to this incident you wish to make at this time?**

   [X] Yes [ ] No

2. **Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?** NO

3. **The interview is concluded at (Time)_____**

s:\invforms\memintv.doc

revised 11/24/10

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. **This interview is regarding OCC case number** 0179-14 **and is taking place on**

   (Date & Time) 04/1/15 @ 10:30 a.m., **at (Location)** OCC

2. **Conducting the interview is** Helen Calderon

3. **Also present is** _____

4. **The member being interviewed is (Name & Star No.)** Officer Roger Morse #1923

5. **His/Her representative (or Attorney) is** Steven Betz

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. **(Title & Last Name)** Officer Morse, **have you read the statement of**

   (Complainants) [redacted], **concerning an incident at** Bernal Hill Park **on** Friday 3/21/14**?** [✓] Yes [ ] No

   A. **(If Applicable) Have you read the OCC Added Allegation in this case?** [ ] Yes [ ] No

2. **Have you read General Order 2.08?** [✓] Yes [ ] No

3. **Have you read Rule 21 of General Order 2.01?** [✓] Yes [ ] No

4. **Have you read Section I.A. of General Order 2.04?** [✓] Yes [ ] No

5. **Do you understand these orders?** [✓] Yes [ ] No

Officer (name) you are obligated pursuant to the above DGOs, to cooperate with this OCC investigation, provide your full assistance, and answer all questions posed to you during this investigation truthfully and without evasion.

If your representative interferes with or obstructs this investigation, you will be deemed to have failed to cooperate and be subject to discipline for violation of DGO 2.01 and DGO 2.04.

6. **Are you prepared to be interviewed at this time?** [✓] Yes [ ] No

---

CLOSING:

1. **Is there any other statement relevant to this incident you wish to make at this time?**
   [ ] Yes [ ] No
2. **Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?** NO -
3. **The interview is concluded at (Time)** 11:30 am

s:\invforms\memintv.doc

revised 11/24/10

Bernal Heights Park
North Access Road

NOT TO SCALE

Up Hill
Grass/Dirt

PATH

X - SUBJECT

1

2

GRASS

Path

Grass

Benches

Down Hill
Grass/Dirt

SFDPA - 0179-14 - 000886

E22#

SFDPA - 0179-14 - 000887

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 0179-14 and is taking place on (Date & Time) 04/1/15 @ 7:00 p.m., at (Location) OCC
2. Conducting the interview is Helen Calderon
3. Also present is Sr. Inv. Fletcher
4. The member being interviewed is (Name & Star No.) Officer Richard Schiff # 1968
5. His/Her representative (or Attorney) is Steven Betz

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) Officer Schiff, have you read the statement of (Complainants) [redacted] concerning an incident at Bernal Hill Park on Friday 3/21/14? [✓] Yes [ ] No

   A. (If Applicable) Have you read the OCC Added Allegation in this case? [ ] Yes [ ] No

2. Have you read General Order 2.08? [✓] Yes [ ] No
3. Have you read Rule 21 of General Order 2.01? [✓] Yes [ ] No
4. Have you read Section I.A. of General Order 2.04? [✓] Yes [ ] No
5. Do you understand these orders? [✓] Yes [ ] No

Officer (name) you are obligated pursuant to the above DGOs, to cooperate with this OCC investigation, provide your full assistance, and answer all questions posed to you during this investigation truthfully and without evasion.

If your representative interferes with or obstructs this investigation, you will be deemed to have failed to cooperate and be subject to discipline for violation of DGO 2.01 and DGO 2.04.

6. Are you prepared to be interviewed at this time? [✓] Yes [ ] No

---

CLOSING:

1. **Is there any other statement relevant to this incident you wish to make at this time?**

   [ ] Yes [X] No

2. **Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?** ND.

3. **The interview is concluded at (Time)** 8:05 pm.

s:\invforms\memintv.doc

revised 11/24/10

Bernal Heights Park
North Access Road

NOT TO SCALE

Up Hill
Grass/Dirt

Benches

Down Hill
Grass/Dirt

25-30 yds.

GRASS

30 yd

Grass

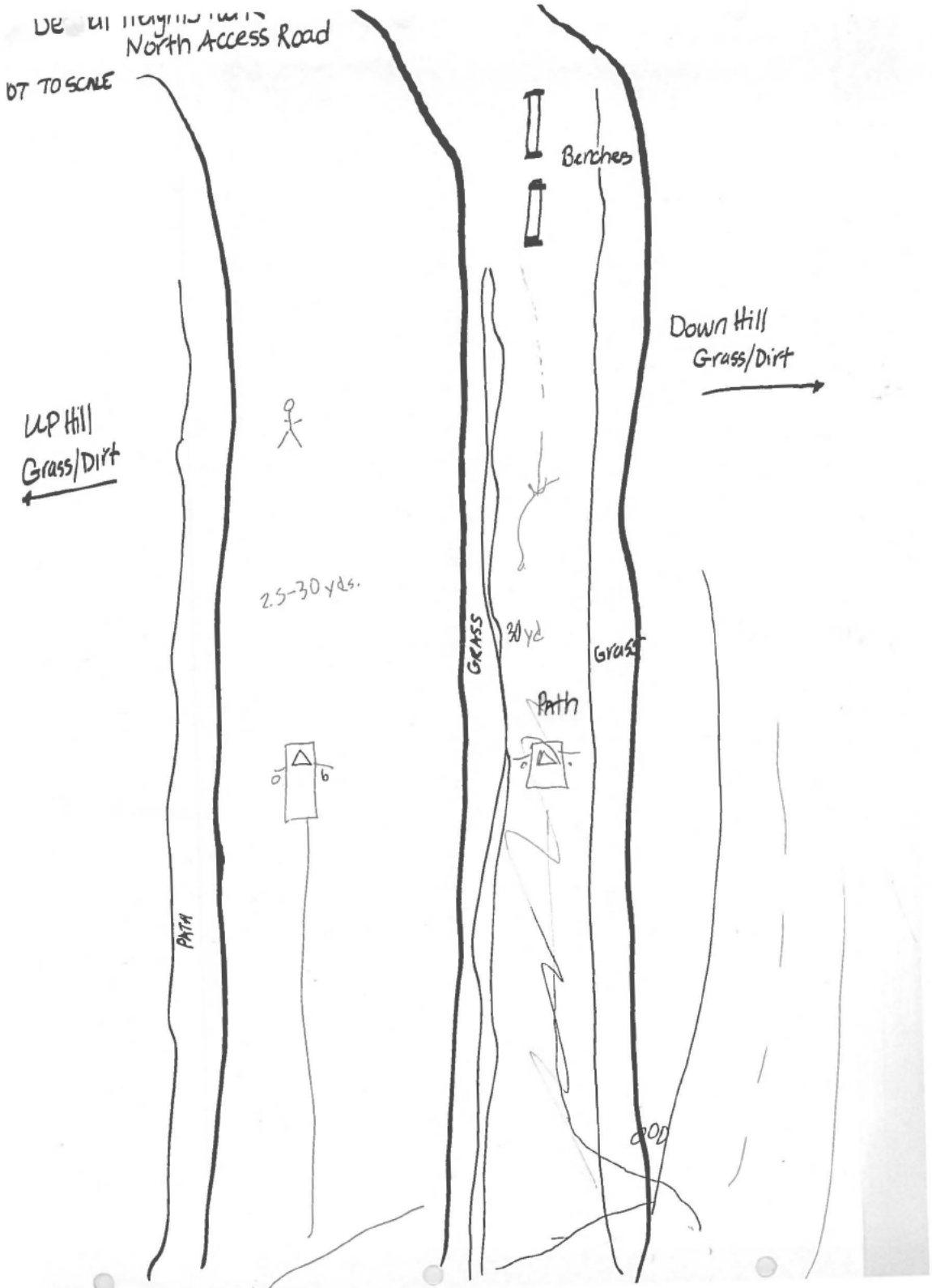
Path

PATH

SFDPA - 0179-14 - 000890

TS #1968

SFDPA - 0179-14 - 000891



SFDPA - 0179-14 - 000892

18 #10, 8

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. **This interview is regarding OCC case number** 0179-14 **and is taking place on**

   (Date & Time) 05/19/15 @ 11:00 a.m. **, at (Location)** OCC

2. **Conducting the interview is** Helen Calderon

3. **Also present is** _____

4. **The member being interviewed is (Name & Star No.)** Inspector John Cagney #341

5. **His/Her representative (or Attorney) is** Attorney Harry Stern

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ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. **(Title & Last Name)** Inspector Cagney **, have you read the statement of**

   (Complainant) [redacted] **, concerning an incident at**

   (Location) Bernal Hill Park **on (Date & Time)** 3/21/14 **?** [✓] Yes [ ] No

   A. **(If Applicable) Have you read the OCC Added Allegation in this case?** [ ] Yes [ ] No

2. **Have you read General Order 2.08?** [✓] Yes [ ] No

3. **Have you read Rule 21 of General Order 2.01?** [✓] Yes [ ] No

4. **Have you read Section I.A. of General Order 2.04?** [✓] Yes [ ] No

5. **Do you understand these orders?** [✓] Yes [ ] No

Officer (name) you are obligated pursuant to the above DGOs, to cooperate with this OCC investigation, provide your full assistance, and answer all questions posed to you during this investigation truthfully and without evasion.

If your representative interferes with or obstructs this investigation, you will be deemed to have failed to cooperate and be subject to discipline for violation of DGO 2.01 and DGO 2.04.

6. **Are you prepared to be interviewed at this time?** [✓] Yes [ ] No

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CLOSING:

1. **Is there any other statement relevant to this incident you wish to make at this time?**
   [ ] Yes [✓] No
2. **Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?** ND
3. **The interview is concluded at (Time)** 11:25 a.m.

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revised 11/24/10

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 0179-14 and is taking place on

   (Date & Time) 05/19/15 @ 3:30 p.m., at (Location) OCC

2. Conducting the interview is Helen Calderon

3. Also present is

4. The member being interviewed is (Name & Star No.) Sergeant ~~John~~ Seth Riskin # 1915

5. His/Her representative (or Attorney) is Attorney Harry Stern

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ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) ~~Inspector Cagney~~ Sgt. Riskin, have you read the statement of

   (Complainant) [redacted], concerning an incident at

   (Location) Bernal Hill Park on (Date & Time) 3/21/14? [✓] Yes [ ] No

   A. (If Applicable) Have you read the OCC Added Allegation in this case? [ ] Yes [ ] No

2. Have you read General Order 2.08? [✓] Yes [ ] No

3. Have you read Rule 21 of General Order 2.01? [✓] Yes [ ] No

4. Have you read Section I.A. of General Order 2.04? [✓] Yes [ ] No

5. Do you understand these orders? [✓] Yes [ ] No

Officer (name) you are obligated pursuant to the above DGOs, to cooperate with this OCC investigation, provide your full assistance, and answer all questions posed to you during this investigation truthfully and without evasion.

If your representative interferes with or obstructs this investigation, you will be deemed to have failed to cooperate and be subject to discipline for violation of DGO 2.01 and DGO 2.04.

6. Are you prepared to be interviewed at this time? [✓] Yes [ ] No

---

CLOSING:

1. **Is there any other statement relevant to this incident you wish to make at this time?**

   [ ] Yes [√] No

2. **Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?**

3. **The interview is concluded at (Time)** 3:54 pm.

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revised 11/24/10

Justice 4 alexnieto.org

THE REAL NEWS ABOUT ALEX NIETO! ANALYSIS AND EVALUATION OF THE SAN FRANCISCO DISTRICT ATTORNEY'S REPORT DECIDING NOT TO FILE CRIMINAL CHARGES AGAINST SAN FRANCISCO POLICE OFFICERS WHO KILLED ALEX NIETO ON MARCH 21, 2014

Welcome to the real news!

Scholarship student and security guard Alex Nieto never pointed a taser at San Francisco Police Officers Sawyer and Schiff. There is at least one witness who saw everything and emphatically confirms that Alex Nieto never pointed a taser at officers. This witness was never interviewed for the district attorney's report.

But for one moment let's forget the witness. The district attorney's report accepts the police department narrative: two veteran San Francisco Police Department (SFPD) police officers have their weapons drawn aiming directly at Alex Nieto who is eating a bag of chips walking down the hill. Both officers KNOW he has a firearm. These two READY police officers then allow Alex to square off with them, reach into his holster (they KNOW he has a gun), and they allow Alex to point this "gun" directly at them BEFORE they finally make the decision to start shooting at him 59 times.

This tale is ridiculous and unbelievable, yet they expect us to accept it.

There was no reason for Alex to have been shot at 59 times! This entire sham is a cover up to hide the SFPD's incompetence, lack of fire discipline, and illegal and intimidating investigation. They will not take responsibility for killing an innocent, promising young man, Alex Nieto, our brother.

I was Alex's best friend. For credibility purposes, so that you will not dismiss this as some illogical rant, I must provide you with credentials: I am a combat Marine Corps veteran. I hold a B.A. from U.C. Berkeley, a Master's in English, and a Juris Doctor degree from U.C. Hastings. I have been a college professor for over a dozen years. I am a published author. You can trust that I have analyzed and evaluated this district attorney's report not to file criminal charges against San Francisco Police Officers.

I now will begin an investigation into the report:

- During an April 2014 meeting with me, the lawyer for the case, the Nieto family and the district attorney (D.A.) and his subordinates, San Francisco D.A. Gascon promised a thorough investigation regarding the entire shooting and its aftermath.

He promised he would investigate the totality of the crimes involved with this shooting.

- The DA did not thoroughly investigate or question the shooting itself, nor did he investigate the action of SFPD after the shooting—the illegal interrogation of the Nietos, the unlawful extraction of confidential medical records, the attempted warrantless search of the Nietos' residence, the robbery and warrantless search of Alex Nieto's car. Why did the police act in such a secretive manipulative manner if the shooting was justified? Why did the police claim to the media incorrect statements that Alex had a gun when they immediately knew, according to the DA report, that Alex had only a taser? This evidence must be examined and looked at as part of the totality of the crimes committed.
- On page one and two of the report, there is a section dedicated to explaining an encounter with a dog owner witness who saw Alex on the day he was killed. This male witness has absolutely nothing to do with any police reporting about Alex. He never called 911. No police officers knew anything about this witness, so he should have no bearing on the officers' response to the hill that day. Is the witness a licensed psychiatrist to determine whether a person who looks around at his environment is acting erratically? A trial would have led to this witness's cross examination. **I repeat**: he does not contribute in any way to the police coming because he never contacted the police, and the police knew nothing about this witness or an altercation when they came with a military mindset to kill Alex.
- On page one and two, an exchange between Alex and an uncontrollable dog is described. It is completely reasonable that Alex would have felt threatened by a large dog that was "following" and harassing him and not under the control of the owner. Alex even moved away from the dog to another set of benches in order to avoid conflict with the dog. Yet the dog persisted in harassing him. **Alex even tried to wave the dog away**. The dog barked aggressively and could not be controlled by the irresponsible owner. Aggressive dogs that do not pay attention to their owners can be a lethal threat to a person. Alex would have been fully justified in attempting to defend himself from this uncontrollable dog. This was a giant dog, yet its description is nowhere mentioned in the report. The DA report simply accepts the owner's account of what happened, which is biased, and **MOST IMPORTANTLY**, completely irrelevant to the shooting because this owner never contacted police, perhaps because he knew he was to blame for his aggressive, uncontrollable, unleashed dog. Police knew nothing about this dog owner witness.
- Alex must have been justifiably shaken from this dog attack.
- According to page two of the report, two witnesses see Alex and believe he has a gun. He did not brandish it or point it. In fact according to the DA report, Alex did absolutely **NOTHING** to these two male witnesses who actually called the police. The witnesses do not even claim that Alex ever even looked at them!

- **According to the bottom of page two, no 911 call or radio dispatch claims Alex Nieto is doing anything that is erratic or violent. We now have confirmed evidence that Alex never threatened anyone, yet the SFPD rushed up to Bernal Hill in an aggressive military manner to kill someone.**

- On page three, according to Officer Sawyer, as Alex walked down the hill, he continued eating from his bag of chips. Consider Alex's intent and mindset: **he had no clue that anyone had called the police on him because he had done nothing wrong.** He was minding his own business eating his chips. He did not imagine that the police were there for him. Any reasonable police officer seeing someone eating a bag of chips should have known that this person is not a violent threat. Yet they approach him in a daunting, life threatening manner with their guns drawn on him.

- On page three of the report it states that when officers see Alex they believe he is the suspect. Officer Sawyer believes he sees a bulge under his jacket that may be a gun. Officer Schiff **certainly** sees what he believes is a holstered weapon.

- **Officers exit their patrol car with guns drawn on Alex.**

    - They state that then Alex lifted his arms and exposed what appeared to them to be a holstered weapon.

- **Let's review: They both now know that Alex Nieto has a pistol and they have their own guns aimed right at him; their weapons are drawn.**

    - They then claim that Alex takes his weapon out of his holster and points it at both of the ready and trained officers, and the officers allow him to do this.
    - For argument's sake, let us accept this narrative yet question it. If Alex had drawn his weapon, and the veteran police officers have their own pistols aimed right at him, and they justifiably believe he has a gun, why did they not immediately shoot when Alex even attempted to reach for his weapon? Why would trained police officers allow themselves to be tracked by someone with a gun?
    - This narrative is completely unbelievable. Once Alex would have reached for his weapon, officers would have immediately fired, especially since they already had their weapons drawn and pointed at him.
    - Why would Alex Nieto even point a taser at police officers when he has done nothing wrong? He is ready for work as a security guard (he's scheduled in less than two hours). He has no criminal history and has never been arrested in his life.
    - On page three, why does the report reference the first shots fired by Officers Sawyer and Schiff as "a number of shots?" Why can't they say exactly how many shots they fired at that moment and who fired first?
    - **This D.A report's summary of the shooting is completely inconsistent with the audio.** There were first two shots and then there was a seven second pause. Then there was more firing, what we now know was a total of 59 shots!

- **On page four, why did Officer Morse "kick" the taser out of Alex's hands? Why not take a picture at that moment?**

- According to page five, the police started shooting Alex at 7:18:40, and they claim that according to a memory device inside of the taser, that it was discharged at 7:18:45, 7:18:52, and 7:19:02. If this is accurate, and they claim that Alex is standing (from page

three) during at least the 7:18:45 taser discharge, why didn't police officers Sawyer and Schiff see that Alex would have discharged a taser that shot out a wire and darts, not bullets? Did Alex Nieto ever point a taser at officers if they could not see that he would have discharged an electric taser? Can it be possible that once the police began shooting, Alex then attempted to defend himself but did not even point the taser at the officers? Perhaps a bullet struck the taser?

- Is lack of fire discipline by these police officers the real problem that occurred? Throughout this entire shooting, they did not have fire discipline and thought they were at the Wild West and could not tell they were in absolutely no danger from Alex.
- On page four, Officer Morse states he thought "Mr. Nieto was firing at them when he heard popping sounds and saw what he thought were muzzle flashes." Officer Morse cannot tell that it is only officers who are shooting because no one is taking responsibility for fire control or calling for a cease fire. Officer Morse completely imagines that there are muzzle flashes coming from Alex, but that is impossible because Alex Nieto does not have a firearm.
- The San Francisco Police Officers were reckless in the way they fired their weapons, not taking into account possible civilian victims. They could not even find all of their bullet casings or other evidence from the taser.
- Now we move onto the SFPD's cover up and illegal investigation:
- After the killing of Alex Nieto, why did SFPD tell the media that Alex had a gun when they knew that he only had a taser? They knew then that that was a lie, but it was a way to buy time for their cover up, which began in earnest after the unlawful killing.
- There were only two officers who supposedly saw Alex draw his taser. We know of at least one witness who states certainly that Alex Nieto never pointed a taser. Why didn't the district attorney interview this witness?
- On page six of the report, the police claim that Alex should have known not to point a taser at officers because he owned a CD version of the taser's operating manual "that was located in Mr. Nieto's car." How did police obtain that CD? The day after the unlawful killing SFPD stole Alex Nieto's car and performed a warrantless search of it. **THE D.A. IS USING AN ILLEGALLY OBTAINED CD FROM ALEX'S CAR AS EVIDENCE FOR WHY THEY WILL NOT PROSECUTE OFFICERS AND TO FURTHER DEFAME ALEX NIETO!** Why isn't the police department's stealing of Alex's car seen as suspicious?
- The day after the killing, SFPD investigators are sent to intimidate the Nieto family. They attempt a warrantless search of the residence and extract information that they use to slander and smear Alex Nieto. Through their intimidating investigation of the Nietos, the SFPD found that Alex had medical records at San Francisco General Hospital.
- How did confidential medical records get released in less than three days (for Chief of Police Greg Suhr's town hall meeting on Tuesday, March 25, 2014) without authorization? Who authorized this release of confidential medical records? Releasing confidential medical information is a crime.
- We were guaranteed that the D.A. would investigate the totality of the crimes involved, yet he focused on the singular shooting AND Alex's irrelevant past. The officers knew nothing about Alex when they approached him on March 21. **Now it is confirmed**: No broadcast to police or 911 call gives any negative description about Alex Nieto.

I have had less than 20 hours to prepare this statement. The San Francisco District Attorney had 10 months to investigate and to write a flawed eight page report.

This is the real news.

Amor for Alex,

Benjamin Bac Sierra, M.A., J.D.

Justice4alexnieto.org

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE DISTRICT ATTORNEY

George Gascón
District Attorney

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February 13, 2015

Mr. Adante Pointer
Law Offices of John Burris
7677 Oakport Street, Suite 1120
Oakland, CA 94621

Adante.Pointer@johnburrislaw.com
attypointer@gmail.com

Dear Mr. Pointer,

Enclosed please find a letter addressed to San Francisco Police Chief Greg Suhr. The letter details our investigation, analysis and conclusion concerning the officer involved shooting on March 21, 2014 resulting in the tragic death of Alejandro Nieto.

At a meeting last spring, District Attorney Gascón committed to meeting with the Nieto family to discuss our findings prior to any public release of that information. We understand and respect their decision to not meet with us at this time. However, please know we remain committed to meeting with the family at a time of their choosing.

Please contact me to arrange a meeting and if you have any questions concerning the enclosed letter.

Thank you for your assistance in this matter.

Best,

Sharon L. Woo
San Francisco District Attorney's Office

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GEORGE GASCÓN
DISTRICT ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO

February 12, 2015

Chief Gregory Suhr
Office of the Chief of Police
San Francisco Police Department
850 Bryant Street, Room 525
San Francisco, CA 94103

Re: Officer Involved Shooting on March 21, 2014 (Report No. 140240512)

Dear Chief Suhr:

The San Francisco District Attorney's Office has completed its investigation and review of the March 21, 2014 shooting in Bernal Hill Park involving San Francisco Police Sergeant Jason Sawyer (Star # 1127), Officer Richard Schiff (Star # 1196), Officer Roger Morse (Star # 1923), and Officer Nathan Chew (Star # 2088), resulting in the death of Mr. Alejandro Nieto. After a thorough investigation and careful review of all of the evidence in this matter, we have concluded that the officers were acting lawfully in self-defense and in defense of others when they discharged their weapons at Mr. Nieto after he drew and pointed a weapon which the officers reasonably believed to be a firearm. Our review did not examine such issues as compliance with the policies and procedures of the law enforcement agency, ways to improve training or tactics, or any issues related to civil liability; accordingly, our review should not be interpreted as expressing an opinion on these matters. A summary of the evidence obtained during the investigation of this matter, and the basis for our conclusion, is detailed below.

FACTUAL SUMMARY

Civilian Witness Encounters with Mr. Nieto

According to the investigation, on March 21, 2014, several people were walking their dogs in Bernal Hill Park around 7:00 pm when they witnessed Mr. Nieto carrying what they believed to be a firearm and felt threatened by his behavior. One man reported that he was walking his dog heading down the path near the water fountain when he saw Mr. Nieto, near the path benches, eating from a bag of chips. According to this witness, Mr. Nieto looked like he was possibly drugged or mentally ill because he kept turning around quickly and was rigid and erratic with his movements. The witness's dog approached Mr. Nieto and seemed to be interested in the chips Mr. Nieto was eating. Mr. Nieto seemed disturbed by the dog's approach so the man called her back. When the dog continued following Mr. Nieto to the next set of benches, Mr. Nieto jumped up on one of the benches and began waving his hands around, causing the dog to start barking.

The witness started approaching and calling his dog back when, from a distance of about 20 feet, he saw Mr. Nieto lift his windbreaker and t-shirt exposing a weapon on his waistband which looked like a pistol. The witness was frightened and stopped his approach but kept calling his dog back. He

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described what happened next as follows: "He then pulled the object from the holster, which was a holster like I would expect a gun to be in. … I am a registered gun owner, so it's not like I'm unfamiliar with pistols. I have two pistols. I know what they look like. This looked – I was certain at that point it was a pistol. He pulled it out, and I'm still thinking as it's coming up in the air and it's aimed towards me, it's a pistol. When he turned it into profile and aimed it at my dog, that's when I could tell that it was a Taser just because of the size of the muzzle area. It was too tall and Taser shaped – you know, I know what Tasers look like too – to be a pistol. I felt some relief at that point, but again it was only when I could see it well illuminated in profile that I could tell the difference between it being a Taser and a pistol."

Once he saw that Mr. Nieto had a Taser and not a firearm, the witness begged Mr. Nieto not to shoot his dog and told him the dog is not aggressive and just wants some chips. Mr. Nieto then turned the Taser back towards the witness and aimed it at him. Since he felt he was out of range of the Taser, the witness did not get any closer and just kept calling his dog back. Mr. Nieto then began yelling, "Fuck you!" and challenges like, "Come at me!," "Come on!" and "What do you want?" The dog finally returned to the witness and, as the witness was walking away, Mr. Nieto kept yelling, "That's right motherfucker, fuck you!" The witness immediately went down the stairs and left the park, warning people he saw coming up the stairs about Mr. Nieto. The witness unsuccessfully tried calling the police non-emergency number several times as he left the park and recalls looking at his phone and seeing the calls were made at 7:05 pm. He also sent a text message to a friend who walks her dog in the park warning her to stay away because of Mr. Nieto.

A few minutes later, two men were heading back to their car after walking their dogs when they saw Mr. Nieto at the service road on the west face of the hill. One of the men saw Mr. Nieto pacing in a small circular pattern and then pulling up the bottom portion of his jacket to expose a rectangular gun in a holster on his hip. Mr. Nieto held the grip of the gun and looked around but did not draw it. Both men continued down the service road and saw Mr. Nieto shadowboxing and ducking in and out of a chain link fence. After they gained some distance from Mr. Nieto, one of the men called 911 while his partner warned others not to go up the road and spoke briefly to another man who said he had seen someone up the hill with a gun.

Records from San Francisco's Emergency Communications Department show that this 911 call came in at 7:09 pm. While still on the phone with the 911 operator, the witnesses saw Mr. Nieto head down the hill in their direction and thought he might be coming after them. They continued to move away from Mr. Nieto and reached the main roadway, briefly lost sight of him, and then heard gunshots. Thinking they were being shot at, the men ducked behind a parked car. The gunshots, which can be heard on the audiotape of the 911 call, occurred at 7:18 pm.

SFPD Officers' Encounter with Mr. Nieto

At 7:12 pm, based on the information provided by the 911 caller, a communications dispatcher broadcast the report of a suspect with a black gun on his hip on the north side of Bernal Hill Park pacing back and forth near a chain link fence by a bench. The broadcast described the suspect as a Latin male, six feet and one inch tall, 200 pounds, wearing a bright red jacket and black pants. A second broadcast noted the suspect was eating chips or sunflower seeds but resting his hand on his

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gun, and a third broadcast noted that the suspect was walking down the hill. San Francisco Police Department Sergeant Jason Sawyer and Officer Richard Schiff were in full standard patrol uniform, in a fully marked patrol vehicle, when they heard the 911 dispatch and headed to the park.

As Sergeant Sawyer and Officer Schiff drove up the path in Bernal Hill Park, they saw Mr. Nieto walking on the path at least 100 yards in front of them and noted he fit the description provided by the 911 caller. Sergeant Sawyer saw that Mr. Nieto was eating a bag of chips and could clearly see a bulge on the right side of his body, covered by his sweatshirt. Sergeant Sawyer directed Officer Schiff to stop the patrol car about 25 to 30 yards in front of Mr. Nieto. As Officer Schiff opened the door to exit the vehicle, he saw Mr. Nieto's arms rise and could see a black holster on his right hip containing what he believed to be a firearm. Both officers exited their patrol car with their guns drawn, but stayed close to the vehicle to use it for cover if needed. The lighting conditions were good and the officers had a clear view of Mr. Nieto as he continued down the hill towards them.

Both officers shouted at Mr. Nieto, "Let me see your hands!" several times. Mr. Nieto threw his bag of chips on the ground, and continued approaching the officers. Mr. Nieto then lifted up the right side of his sweatshirt exposing a black holstered weapon as he shouted back at the officers, "Let me see your hands!" Mr. Nieto then squared off with them in a defensive stance with one leg forward and one leg back, drew the weapon from the holster with his right hand and pointed the weapon directly at the officers. Based on the way Mr. Nieto drew his weapon, Officer Schiff thought he might have some military experience or background in firearms.

As Mr. Nieto drew his weapon, Sergeant Sawyer saw what he believed to be a firearm and noted it had a red laser sight. As Officer Schiff saw the weapon come into view, he thought it looked like a large caliber semi-automatic pistol, similar to the department issued Sig Sauer P226 he carries. Both officers were certain that Mr. Nieto had drawn a firearm and was about to shoot one or both of them. Officer Schiff said he believed if he did not fire at Mr. Nieto he could be dead within seconds. Both officers discharged their firearms at Mr. Nieto. After a number of shots were fired, Mr. Nieto continued standing with his weapon still pointing at the officers. Both officers continued firing towards Mr. Nieto, at which point he dropped to his knees and then laid down flat on the ground in a prone position with his head up, his arms outstretched in front of him, and still pointing his weapon at the officers. Officer Schiff thought Mr. Nieto might have taken this position as a tactical maneuver to make his body a smaller target. Officer Schiff then, for the first time, saw the red light coming from Mr. Nieto's weapon and thought it might be a laser sight. Both officers believed Mr. Nieto was still trying to fire back at them, and continued to fire at Mr. Nieto.

Shortly before the first shots were fired, Officer Roger Morse and Officer Nathan Chew were responding to the 911 call, traveling in their marked patrol car on the Bernal Hill Park access road, when Officer Chew saw Mr. Nieto standing in the middle of the road. Both officers heard several shots ring out, then drove past 10 or 15 officers running up the hill, and pulled up to the right of and slightly behind Sergeant Sawyer and Officer Schiff's patrol car. As Officers Morse and Chew exited their vehicle they could hear more shots being fired. Officer Chew saw that Mr. Nieto was now in a prone position with his head up and with his arm extended as if he was aiming in their direction. He also saw that Mr. Nieto's weapon had a red laser sight, and thought Mr. Nieto was aiming at him when the glint from the laser crossed his eyes. Officer Morse also saw Mr. Nieto lying flat on the

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ground with his arms in front of him holding what looked to him like a black semi-automatic pistol. Officer Morse thought Mr. Nieto was firing at them when he heard popping sounds and saw what he thought were muzzle flashes as Mr. Nieto moved his weapon up and down. Both officers began firing their weapons at Mr. Nieto to protect themselves and the other officers. All four officers continued firing until Mr. Nieto's head and weapon went down, and Sergeant Sawyer yelled for the officers to cease fire.

Once Mr. Nieto was no longer moving, Sergeant Sawyer coordinated a plan to go up and check his condition, and radioed for an ambulance. The officers approached Mr. Nieto with their guns still drawn. As they got to about five feet from him they could see that his weapon, which was still in his hand, was a Taser shaped like a large pistol. Officer Morse kicked the Taser out of Mr. Nieto's hand, and Officer Chew handcuffed him. Officer Schiff checked Mr. Nieto's vital signs, and other officers who arrived tended to Mr. Nieto awaiting the ambulance. Paramedics arrived and determined Mr. Nieto was deceased at 7:30 pm.

Crime Scene Investigation

Evidence collected by the crime scene investigators is consistent with the events described by the involved officers. Investigators found a total of 48 bullet casings located at the scene, 45 scattered around both patrol vehicles and three inside one of the patrol vehicles. The passenger door of the patrol vehicle nearest Mr. Nieto's body was determined to be 93.68 feet away from Mr. Nieto's head. Three firearm magazines were found at the scene, two on the ground near the driver's door of one of the patrol vehicles and one on the ground just north of the same vehicle's passenger door. A comparison of the number of rounds of ammunition possessed by the four officers prior to the incident with the number of rounds recovered from their firearms and magazines after the incident indicates that a total of 59 shots were fired by the officers during the incident.

Several items were found near Mr. Nieto's body, including the Taser and two darts attached to wires that led to the Taser indicating that the Taser had been discharged. The Taser's safety switch was noted to be in the armed position. A black Taser holster was on Mr. Nieto's right hip attached to his belt. Two canisters of pepper spray were located, one on the ground between Mr. Nieto and the path, and a second on the ground close to Mr. Nieto's left pants pocket. A pair of handcuffs was located within Mr. Nieto's back pocket.

Taser Identification and Testing

The weapon recovered from Mr. Nieto was an Advanced Taser M26C electronic control device equipped with a red laser which automatically activates when the device is turned on and assists the user in aiming. The M26C uses a replaceable cartridge containing compressed nitrogen to shoot two small darts attached to the cartridge by 15 foot wires. When the trigger is pulled the M26C flashes electrical sparks until the trigger is released and, upon release, continues to flash for five seconds. Each trigger pull drains the batteries, and continuously holding the trigger causes the batteries to drain rapidly. The M26C has an internal memory that stores a record of every trigger pull.

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Mr. Nieto's M26C was inspected and tested by Taser International on June 11, 2014 and found to have dead batteries but was fully functional once fresh batteries were inserted. The laser was tested and also found to be fully functional. Examination of the internal memory of the device indicates the Taser was powered on and the trigger was pulled during the incident. According to Bryan Chiles, Technical Compliance Manager for Taser International, assuming the internal clock of the device was set to Greenwich Mean Time (which is how it is shipped from the factory), and assuming the clock drift was constant from the time of manufacture of this device to the time of testing, the trigger was pulled on March 21, 2014 at 7:18:45 pm, 7:18:52 pm, and 7:19:01 pm. These times coincide with time the officers discharged their weapons, which can be heard on the audio recording of the 911 call beginning at 7:18:40 pm.

The M26C is black in color with several yellow stripes on the sides along the lower left and right frame sections. The stripes are not visible when the M26C is seated in its holster or when viewed from the front. Depending on the angle at which the M26C is held, the yellow stripes may or may not be visible when viewed from the side. Despite the fact that the M26C recovered from Mr. Nieto still had these yellow stripes on sides of the device, the witness at whom Mr. Nieto pointed the Taser minutes before the shooting said he never saw them, even when the weapon was turned towards his dog, allowing him see the device from the side. The witness said he identified the weapon as a Taser based on its shape, but was adamant that he did not see yellow stripes.

The cartridges used with the M26C come with 20 to 30 anti-felon identification (AFID) tags which are disbursed when the darts are discharged. The tags are lightweight, look like multi-colored confetti, and have the cartridge serial number printed on them. Crime scene investigators searched a wide area and were unable to locate any AFID tags at the scene. Investigators believe the tags may have been lost due to significant winds on the hill at the time of the investigation, which were causing some of Mr. Nieto's personal effects to blow away upon their arrival. According to the National Weather Service, the winds were approximately 15 miles per hour in the Bernal Heights section of the City at the time of the incident. According to Taser International, it is possible but unlikely that the AFID tags had been previously removed from the cartridge, since it is very difficult to reload the darts after removal of the tags which are housed behind them.

The M26C cartridges also come with two yellow blast doors which cover the front of the cartridge and are designed to break off when the darts are fired. According to Taser International, the blast doors can break off before the darts are fired when the cartridge is subjected to field use, and can easily be removed by the user. The M26C can still be used if the blast doors are missing. Crime scene investigators searched for but were unable to locate any blast doors or pieces of blast doors when they searched the crime scene, indicating that the cartridge in Mr. Nieto's M26C was not equipped with yellow blast doors at the time of the shooting. This is consistent with the recollection of the witness at whom Mr. Nieto pointed the Taser before the shooting, who said he was certain the only color he saw as he looked directly at the front of the weapon from a distance of 15 to 20 feet was black. It is also consistent with the statement by Officer Schiff that all he saw was "straight black" when Mr. Nieto drew the weapon at him and Sergeant Sawyer. In addition, neither Sergeant Sawyer nor Officer Morse nor Officer Chew described seeing yellow or anything else indicating to them that the weapon was a Taser as Mr. Nieto pointed the M26C directly at them from a distance of 25 to 30 yards.

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The M26C Operating Manual prominently displays the following warning on page 4: "Do not point the TASER ECD at any law enforcement officer or do anything that would cause law enforcement officers to feel threatened by your use of the TASER ECD. Because the TASER ECD is able to incapacitate a person, law enforcement officers may be justified to use lethal force to protect themselves." A CD version of the M26C Operating Manual was located in Mr. Nieto's car.

Medical Examiner's Report

The autopsy conducted by Dr. Amy P. Hart, Chief Medical Examiner, is consistent with the description of events provided by the officers involved in the shooting. Dr. Hart concluded that Mr. Nieto died as the result of multiple gunshot wounds, noting that there were 14 or 15 "distant gunshot wounds" to Mr. Nieto's head, torso, upper extremities, and lower extremities, and that these wounds may have been created by as few as 10 gunshots. One of the wounds was a graze wound; the rest were all perforating wounds.

The report notes that the Medical Examiner received records from San Francisco General Hospital revealing Mr. Nieto had a history of aggressive and bizarre behavior and auditory hallucinations, and a clinical history of psychosis exacerbated by his failure to take the medications Zyprexa and Abilify which had been prescribed for him. The report also notes that toxicology testing of Mr. Nieto's postmortem blood did not detect the presence of Abilify, Zyprexa, Benadryl, Risperdal, Geodon or Ativan in his system, though it did detect the presence of cannabinoids (marijuana).

Prior Contacts with Law Enforcement

San Francisco Police Department (SFPD) records reveal that Mr. Nieto had two prior contacts with local law enforcement. The first contact was on January 31, 2011, when SFPD officers were dispatched to a coffee shop based on a report that Mr. Nieto had a steak knife in his pocket and might be suicidal. Mr. Nieto told the officers he was afraid someone may attack him and was depressed about his recent breakup and unemployment. According to the police report, Mr. Nieto appeared paranoid, could not maintain eye contact, and had difficulty answering questions about his address and the date and time. Mr. Nieto was taken into custody and placed on a 72-hour mental health hold.

The second contact was on August 15, 2011, when SFPD officers were dispatched to Mr. Nieto's residence on a report that he was unstable and setting things on fire. According to the police report, Mr. Nieto's parents told the officers their son hears voices, suffers from depression, was supposed to be on the medication Abilify but had not taken it. Mr. Nieto set a book on fire in the kitchen and ran with the burning book into the living room where he threw it on the ground and threw himself on top of it. When his father tried to extinguish the fire, Mr. Nieto threw the burning book under the couch. After his mother extinguished the flames with water, Mr. Nieto took the ashes to the kitchen, mixed them with soap, placed them on the patio floor, and ate them off the ground. Mr. Nieto's parents told the officers they feared for his safety as well as their own. The officers called backup to help subdue Mr. Nieto, who was combative, took him into custody and placed on a 72-hour mental health hold. Although Mr. Nieto was prescribed the drug Zyprexa by the doctor who examined him during this mental health hold, he told the doctor he would not take any medication and that he just needed marijuana to calm his mind.

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San Francisco Police Department records also reveal that Mr. Nieto had a prior law enforcement contact related to the use of his Taser. On March 3, 2014, less than three weeks before his death, police received a report from the estranged husband of Mr. Nieto's friend stating that Mr. Nieto had used a Taser on him. The reporting party said he was placing his son in the back seat of his car when Mr. Nieto exited a nearby car carrying a black bag and shouted "Get the fuck out!" The reporting party told Mr. Nieto he was just getting his child. Mr. Nieto took a few steps back, drew a Taser from his bag, and as the reporting party turned his back to speak to his wife, Mr. Nieto discharged the Taser at him, striking him once on his lower back and once on the buttocks. As the reporting party pulled off the darts, Mr. Nieto fired a second time, striking his shoulder, arm and forearm. The reporting party said he was bleeding, in pain and afraid, and quickly got into his car and drove away with his child. Mr. Nieto kicked and hit the car doors as he drove away, shouting, "Get out of the car! I'm gonna get you!" The wife of the reporting party told police that Mr. Nieto got into her car without her permission as her husband was picking up their son. She said Mr. Nieto started to scream, got out of the car, and shot her husband with the Taser in front of her and her son. The reporting party and his wife both filed for restraining orders against Mr. Nieto stating this incident caused them to fear for their safety and for the safety of their children. Mr. Nieto filed a police report two days later about the incident. Mr. Nieto reported that he fired his Taser during a verbal altercation with the reporting party because he feared for his life when the reporting party took a boxing stance after Mr. Nieto said he had an active restraining order against him.

ANALYSIS AND CONCLUSION

California Penal Code section 835a allows an officer to use reasonable force to make an arrest, to prevent escape, or to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. The statute provides that the officer need not retreat or end his effort to make an arrest because of the person's resistance. Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm. California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. CALCRIM 3470.

In this case, Sergeant Sawyer, Officer Schiff, Officer Morse and Officer Chew all clearly believed their lives, and the lives of the other officers, were in imminent danger at the time they discharged their firearms. Sergeant Sawyer and Officer Schiff both believed Mr. Nieto had a firearm. Believing that Mr. Nieto was about to shoot them, and in fear for their lives, both officers discharged their weapons at him. Once Officer Morse and Officer Chew arrived at the scene they heard gunshots and saw Mr. Nieto in a prone position with his arms outstretched in front of him holding what they each believed to be a semi-automatic firearm. Both officers began firing at Mr. Nieto to protect themselves and the other officers. All four officers continued to believe their lives were in danger and continued to fire until Mr. Nieto's head and weapon went down and Sergeant Sawyer ordered the officers to cease fire.

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The belief of each officer that Mr. Nieto's weapon was a firearm was clearly reasonable. The Taser recovered from Mr. Nieto was black in color, shaped like a large frame pistol, and equipped with a red laser. At the time of the incident the Taser was armed, its red laser was activated, and the laser was focused in the direction of the officers. Although the Taser had several yellow stripes along the sides of the left and right frame sections, they would not have been visible to the officers when the Taser was in its holster or when the Taser was pointed directly at them from a distance of 25 to 30 yards away. The officers were responding to a call of a man in the park reported to have a gun and saw what appeared to be a gun as soon as they encountered him on the hill. Mr. Nieto refused to obey orders to show his hands and, instead, immediately drew and pointed his weapon at the officers. Mr. Nieto's actions gave the officers no opportunity to discover that his weapon was not a firearm before having to act to protect themselves and their fellow officers from the threat of death or great bodily harm.

Under these facts, the use of deadly force was justified. It is, therefore, our conclusion that Sergeant Sawyer, Officer Schiff, Officer Morse and Officer Chew acted lawfully.

Very truly yours,

George Gascón
District Attorney

c: Lieutenant Toney Chaplin
Sergeant Jason Sawyer
Officer Richard Schiff
Officer Roger Morse
Officer Nathan Chew

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Alex Nieto, Black and Brown Lives, and the Need for Policing Reform

February 19, 2015
Issues : Criminal Justice and Drug Policy, Racial Justice

By: Chauncee Smith follow @ChaunceeSmith



Last Friday, on the heels of recent decisions not to prosecute the officers who killed Michael Brown in Ferguson, Missouri, and Eric Garner in New York City, the San Francisco District Attorney's Office declined to criminally indict four SFPD officers who killed Alejandro "Alex" Nieto, a 28 year-old Latino male.

The officers fired 59 bullets at Nieto. At least 14 rounds landed and caused his death.

The D.A.'s Office concluded that the officers' actions were "clearly reasonable" because Nieto was carrying his licensed Taser, which the officers mistook for a gun. He had the Taser because he was a security guard on his way to work.

The killing of Nieto, and other black and brown males, such as Tamir Rice and Ezell Ford, seems all too familiar.

Indeed, their deaths have made many wonder whether differences in the ways police interact with people of color and whites should be viewed as the product of systemic injustice, rather than mere lapses.

Would Nieto and others of color still be alive if they were white?

With fairer skin, would their deaths have been deemed legally justified in absence of prosecutions?

At least one recent poll gives credence to the idea that the results of these cases may have turned on race. It found that most Californians (55%) believe that blacks and other people of color are treated less equally than whites in the criminal justice system. Residents of the San Francisco Bay Area, where Nieto was killed, are the most likely (62%) to hold that view.

This perspective is not restricted to everyday people. Last week, for instance, FBI Director James Comey declared that "[m]any people in our white-majority culture have unconscious racial biases and react differently to a white face than a black face."

In light of this sentiment – that our system of justice is racially unjust – a pressing civil liberty issue for Californians to consider is what reforms would help ensure that marginalized people are more adequately protected?

To add, how might community trust in law enforcement be advanced?

Racial profiling

In 2000, California enacted a bill that banned racial profiling by law enforcement.

However, in 2002, Michelle Alexander, then-Director of the ACLU of Northern California's Racial Justice Project, authored a report which found that our state's racial profiling statute had no practical effect because it required nothing more than the constitutional minimum.

That same year, the Legislative Analyst's Office (LAO) concluded that California's definition of racial profiling was

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too vague. It added that, because of such vagueness, some law enforcement agencies resisted following the definition and recommended that it be revised.

Since then, the federal government, states and localities around the county have considered or adopted anti-profiling measures that seek to prevent discrimination by law enforcement through the following:

- Expanding protected identity classifications beyond race and ethnicity to also include gender, religion, national origin, and sexual orientation.
- Implementing data collection and analysis systems for stops, searches and seizures.
- Requiring that information on profiling be publicly reported on a routine basis.
- Providing a private right of action to victims of profiling.
- Creating independent entities that investigate and audit police departments for illegal profiling patterns and practices, and propose reforms.

Use of force

In his speech, FBI Director Comey questioned whether Americans can "address concerns about 'use of force'" and "officer-involved shootings if we do not have a reliable grasp on the demographics and circumstances of those incidents?"

He added that "we simply must improve the way we collect and analyze data to see the true nature of what's happening in all of our communities."

In California, all state and local law enforcement agencies must report any death that occurs in custody to our state Attorney General. Such reports include deaths that occur during arrest as a result of a use of force.

However, the Attorney General's Office has not publicly disseminated the information it receives on a routine basis.

California can start resolving its law enforcement use of force problems through the following:

- Expanding the existing reporting requirement from deaths in custody to also include any use of force that results in serious bodily injury.
- Require that demographic information (such as race, gender, religion, national origin, and sexual orientation), along with the type of force used, be included in law enforcement agencies' reports to the Attorney General.
- Require the Attorney General to publicly release the use of force information it receives every year.

At bottom, the recent death of Nieto and many other people of color at the hands of police has exacerbated distrust in law enforcement.

In absence of public trust, the legitimacy of law enforcement is placed in question, if not downright undermined.

To restore confidence, and better understand how to improve community safety, robust reform and transparency on racial profiling and use of force policies and practices is necessary.

We cannot wait any longer.

Chauncee Smith is a Racial Justice Advocate with the ACLU of California Center for Advocacy & Policy.

SFDPA - 0179-14 - 000913

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SFPD's cover-up stumbles

SFPD and the City have carried out a cover-up campaign since Alex Nieto was shot to death over fourteen times on March 21, 2014. We believe they are hiding evidence and information relevant to his shooting. A court order was necessary to get them to release the names of the officers they insistently kept out of the public eye. It therefore comes as no surprise that Sgt. Jason Sawyer, who was the commanding officer at the scene and first to respond, was previously involved in another questionable shooting alongside Officer Furminger, the later convicted on federal felony charges just last month. (Furminger was also one of the killers of Idriss Stelley in 2001.)
Sgt. Sawyer was promoted to Lt. Sawyer after Alex Nieto's killing.

> Lt. Sawyer, now of Park station, was a sergeant at the time of the shooting and a longtime veteran of the department. In 1998, he was involved in the fatal shooting of ad executive John Smart after Smart allegedly used his Mercedes-Benz to pin Officer Ian Furminger to a parking meter.
>
> Both officers were awarded the gold medal of valor for their involvement in the 1998 shooting, though an internal investigation and Office of Citizens Complaints probe had not been completed. Furminger was convicted last month of taking and dividing up thousands of dollars found during searches of drug dealers and their homes, and depriving suspects of their rights. " (Source: SF Gate)

On Officer Roger Morse, Mission Local reports that in 2008 he and his partner crashed their cruiser into a liquor store at 3:30am without consequence.

> Officers Roger Morse and Nicholas Suslow had been responding to an assignment near the corner of Geneva Avenue and Vienna Street around 3:30 a.m. when their car slammed into a light pole, a tree, and the front of a liquor store before coming to rest on the sidewalk, according to San Francisco police Lt. Frank Lee.

> The light pole in turn shattered the window of a second-floor apartment, narrowly missing a crib with a sleeping baby. (Source: Mission Local, SF Gate)

The police officers who perpetuated Alex Nieto's unwarranted killing will finally get the close public scrutiny they deserve. Let's hope justice follows…

Nieto Family happy to gain a first step towards transparency

Elvira and Refugio Nieto, parents of Alex, expected to learn the names of the officers who killed their son on Monday January 5th, 2014, when the confidentiality order would be lifted. The parents however learned this critical information about Alex's death ***once again*** based on media reports, rather than through responsible communication by SFPD and the City. This is the pattern established since Alex was killed. SFPD moves in the shadows, abusing their power to create a smear campaign about Alex Nieto, while hiding relevant information about the shooting.

Supporters delivered the news to Elvira and Refugio Nieto. The Nietos were very happy to learn about the release of names. In the words of Elvira, "…this is one step forward towards knowing what happened that day on the Hill." Refugio Nieto praised the labor of supporters who joined them in demanding the truth about Alex's killing.

The large yellow banners bearing Alex Nieto's that were placed atop Bernal Heights Park on his 9th month anniversary were still flying high today.

-*The truth shall set us free.*

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SFPD names officers involved in fatal Alex Nieto shooting

By Vivian Ho Updated 12:26 pm, Saturday, January 3, 2015



IMAGE 1 OF 7

People gather in a circle around a blanket covered with candles and flowers at a vigil held for Alejandro Nieto, a man fatally shot by police last Friday evening in Bernal Heights Park, in San Francisco, Calif. on March 24, 2014. San Francisco police released the names of four officers involved in the shooting on Friday, Jan. 2, 2015, following a court order.

San Francisco police on Friday released the names of four officers involved in the shooting death last spring of a longtime Mission District resident after months of demands for accountability from the man's family.

Lt. Jason Sawyer and Officers Roger Morse, Richard Schiff and Nathan Chew were involved in

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the fatal shooting of Alejandro Nieto, 28, on Bernal Hill on March 21, police said.

Police said the officers had been responding to reports of a man with a gun at Bernal Heights Park who was acting erratically and threatening passersby when they came across Nieto eating his dinner.

RELATED STORIES



Man killed by S.F. police was 'inspiration' but had troubles



S.F. police shoot, kill armed man at Bernal Heights Park

Nieto had been carrying a Taser stun gun before his shift as a nightclub security guard. Authorities said Nieto brandished the weapon at the officers. Nieto's friends and family say they do not believe he would have done that.

The City College student was shot as many as 14 times, according to his autopsy report.

Police Chief Greg Suhr said the officers thought Nieto had a firearm and shot him in self-defense. Many in the community say they do not believe the Police Department's account of the shooting, and have taken to the streets in demonstrations to call for justice.

The family had been asking the Police Department for months to release the names of the officers, but the department had refused, citing a "credible threat" to the officers' safety. A lawsuit filed by civil rights attorney John Burris brought the department to court, where Magistrate Nathaneal Cousins ordered them last month to release the names by Jan. 5.

Adriana Camarena, a member of the Justice for Alex Nieto Committee, said the release of the names is "a victory achieved through nine months of constant community pressure favoring

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transparency and accountability."

"I just got off the phone with Elvira and Refugio Nieto (Alex Nieto's mother and father) to let them know, and they were extremely happy with the news," she said. "In the words of Elvira, 'One more step forward has been taken towards knowing what happened on the Hill that day.'"

Martin Halloran, president of the San Francisco Police Officers Association, did not return calls for comment on the release on the officers' names.

Lt. Sawyer, now of Park Station, was a sergeant at the time of the shooting and a longtime veteran of the department. In 1998, he was involved in the fatal shooting of ad executive John Smart after Smart allegedly used his Mercedes-Benz to pin Officer Ian Furminger to a parking meter.

Both officers were awarded the gold medal of valor for their involvement in the 1998 shooting, though an internal investigation and Office of Citizens Complaints probe had not been completed. Furminger was convicted last month of taking and dividing up thousands of dollars found during searches of drug dealers and their homes, and depriving suspects of their rights.

Sawyer was awarded a bronze medal of valor in 2007, and was awarded another medal of valor in 2013 for his response to a hostage situation in a central city neighborhood.

He, along with Morse, Schiff and Chew, have returned to duty, said police spokesman Officer Albie Esparza.

Nieto was a practicing Buddhist who advocated for peace, according to his friends and family. He was working toward a criminal justice degree so he could become a juvenile probation officer, they said.

In the autopsy report, the medical examiner highlighted Nieto's psychiatric "history of aggressive and bizarre behavior, auditory hallucinations and noncompliance to psychiatric medications." In 2011, Nieto was placed on a psychiatric hold "for attempting to burn his parents' house down."

A few weeks before the shooting, a former friend had filed a restraining order against him saying Nieto had used his Taser on him four times in front of his wife and son.

His friends and family have repeatedly objected to the release of his mental health history, saying authorities were trying to taint his character and distract the public from the actual details of the shooting, which the department has been reluctant to share.

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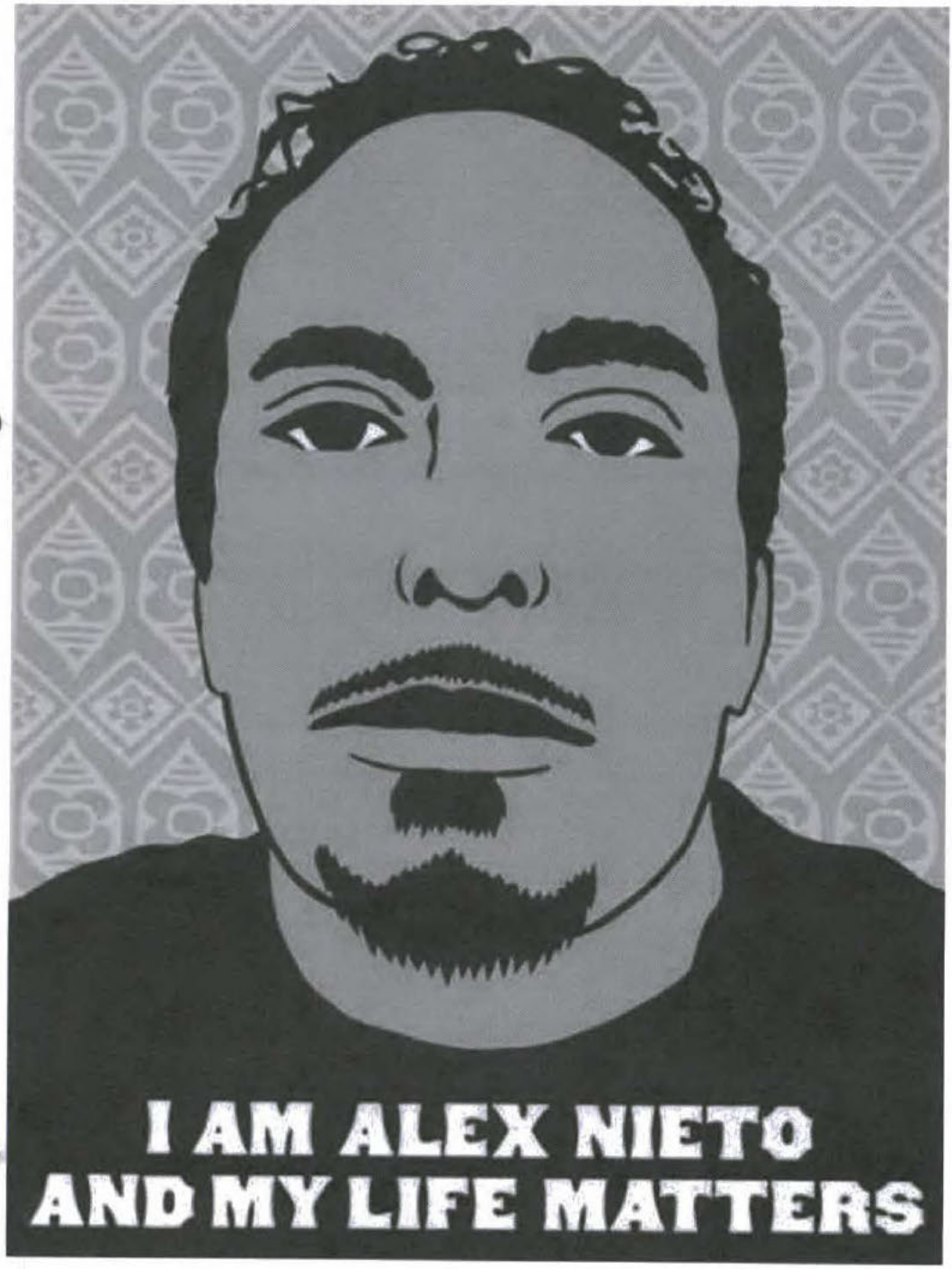
"Alex's past mental well-being is irrelevant to the issue of whether the police are liable or criminally accountable for his homicide," they wrote on the Justice for Alex Nieto website. "Any smear tactics cannot contradict or explain witness statements concerning this police shooting."

Vivian Ho is a San Francisco Chronicle staff writer. E-mail: vho@sfchronicle.com Twitter: @VivianHo

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How the Chron missed the point on the Nieto autopsy



SFDPA - 0179-14 - 000921

By Tim Redmond

SEPTEMBER 15, 2014 — The autopsy report on Alex Nieto was full of news; we reported some of it last week. There are lots of ways to look at the new evidence.

But the Chron in a back-of-the-news-section story, focused on only on piece, and most likely the least relevant information available.

The piece barely mentioned the gunshot wounds, and instead detailed the mental-health issues in Nieto's personal hospital files, which became part of the public record when the medical examiner asked SF General to hand them over after his death.

The files show that Nieto was being treated for mental illness, had been prescribed some powerful medications (which he apparently wasn't taking regularly) and at one point had been involuntarily confined after threating to burn down his parents' house.

That may sound sexy to an editor looking for a crime story – but Nieto's past has absolutely nothing to do with whether the police shooting was appropriate.

In fact, if he was exhibiting signs of mental illness on Bernal Hill, the police should, by policy, have engaged a special protocol designed after the shooting of Idriss Stelley. There should have been mental-health intervention teams before shots were fired.

The police who shot Nieto knew nothing about his history. They didn't even know his name; when he arrived at the morgue, he was first identified as John Doe. So he could have been the best-behaved person in San Francisco or he could have had a long criminal history and the way the police responded to him should have been exactly the same.

You could argue that a person with behavioral problems might be more likely to wave a Taser at the cops – but the Nieto family lawyer says he has eyewitnesses who didn't see that happen. Which is what will matter if the case goes to trial.

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The family, meanwhile, is asking for an independent investigation, outside of the San Francisco police and District Attorney's Office. That would mean the feds, who thus are haven't said anything.

So the main impact of the Chron story is to malign the reputation of Nieto. But again: His reputation or history isn't the issue here. Nor is the matter of whether he was acting erratically that night on Bernal Hill.

The question is whether the police should have shot and killed him. And that's still very much an open case.

8 31

This entry was posted in Uncategorized. Bookmark the permalink.

8 Responses to *How the Chron missed the point on the Nieto autopsy*



landline *says:*
September 15, 2014 at 5:43 am

Here, here. Lip service to transparency; cover ups to police misconduct (except in rare cases, thanks Public Defender Adachi), itchy trigger fingers that unnecessarily shoot and sometimes kill people, even other cops (what happened to the report on the friendly fire incident at 25th/Florida?) The SFPD playbook.

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Reply



Rick B *says:*

September 15, 2014 at 8:45 am

I am noticing a pattern. Soon after a controversial police shooting of a young Black or Latino man, there is a news story describing a "problem" with the man shot–traces of marijuana in his blood, a police record, a history of being suspended from school, etc.

Is the media doing pr for police departments to help convince the public that the shooting was justified?

Reply



Sam *says:*

September 18, 2014 at 7:47 am

Rick, did it ever occur to you that people who have some kind of sociopathic disorder might be more likely to find themselves in a situation where the police need to intervene?

When was the last time a perfectly well-balanced, clean and sober, law-abiding white grandmother was shot by the police? The simple fact is that some types of people are statistically more likely to be involved with the police than others, and it's helpful to understand what those factors are.

Reply



Rick B *says:*

September 19, 2014 at 12:09 pm

Sam,

I assume you are familiar with statistics on police stop and searches which show that the people most "likely to find themselves in a situation where the police" intervene happen to be black and Latino males. Are you arguing that black and Latino males are more prone to having "sociopathic disorders" resulting in police intervention into their lives than other members of our population?

I recognize that police often have to deal with extremely stressful situations and that many officers put their lives at risk every time they go to work. What I do not understand is why I rarely read in the media profiles of the character and psychological, disciplinary, and personal problems of the

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officers involved in shootings and other violent acts.

Reply



Sam *says:*
September 19, 2014 at 12:49 pm

Rick, you are confusing two different things there.

There is certainly truth to the idea that some demographic groups garner more attention from police than others. That is inevitable because the correlation between criminal acts and certain demographic groups is significantly high. For example, black-on-white crime violent crime happens at forty times the rate of white-on-black crime. It would be very odd if that did not skew the demographics of the people that the cops stop, search, question and arrest,

There is some correlation between mental problems and crime, so that may explain some of the correlations that you cite. Those who commit serial offences are often regarded as sociopathic by the general public, by definition.

But beyond that is the very obvious common sense point that if someone has a sociopathic tendency (and threatening to burn down your parents' home is indicative of that) then that increases the probability that such behaviors will attract more police attention.

Does anyone seriously believe that if Nieto had simply been quietly eating a burrito in the park, that the police would have been called, let alone felt compelled in the interests of public safety to open fire on him?

Nieto was shot not because of who he was but because of how he was behaving. Indeed, the police report identifies him as a "white hispanic" male. From 70 feet in the fog of war, the accurate determination of his race would not have been possible. If Neito has been a WASP, he would still have been shot.

Reply



Eric D. *says:*
September 15, 2014 at 11:55 am

It certainly looks that way, doesn't it?

Reply



David *says:*

September 17, 2014 at 11:24 am

Facts please, don't let your emotions dictate your comments. There is a time line of events, of what actually occurred.

Reply



Sam *says:*

September 18, 2014 at 7:53 am

Tim, the idea that the police should first call on a mental health professional when confronted with a man with (what looks like) a firearm acting in an erratic and potentially dangerous way is a fantasy.

The handgun makes it very, very different, because time is of the essence in such a situation and the cops cannot just wait around for an hour while someone finds a psychiatrist.

The medical information on Nieto is important because it supports the idea that he was very probably acting in an uncontrolled and risky manner which, taken with his apparent weapon, explains why the cops felt a compelling and urgent need to neutralize the threat to themselves and the bystanders who had called the cops originally.

It's really too bad that his immediate family didn't get him the care he really needed, rather than filing restraining orders against him and driving him away. The fact that they now want to cash in on this incident does not make them look sympathetic to any jury.

And I don't buy these alleged eye witnesses who suspiciously never came forward until now there is the smell of a payday.

Reply

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Breaking: Nieto had a least 14 gunshot wounds, autopsy report shows



At least 14 gunshot wounds killed Alex Nieto, an autopsy shows

By Tim Redmond

SFDPA - 0179-14 - 000927

Alex Nieto had at least 14 gunshot wounds and possibly as many as 15, including two shots to the head and several to the back, the long-awaited autopsy report shows.

The report says the damage was so extensive that it was hard to tell exactly how many bullets hit the young man; the 14 wounds could possibly have been caused by ten bullets.

I got the detailed report just an hour or so ago, and it's going to take some time to go through every page. But the basic facts are clear:

Nieto was shot repeatedly, possibly after he was already on the ground.

"There are at least 14 distant gunshot wounds of the head, torso, upper extremities and lower extremities," the report by Chief Medical Examiner Amy P. Hart shows.

That confirms the evidence we've posted from an audiotape made near the scene, which shows a flurry or multiple gunshots.

The autopsy was completed April 17. A toxicology report, which showed that (like about half of San Francisco) Nieto had at some point in the past few weeks consumed marijuana, was completed June 11.

It's not clear why it's taken three months for the report to be released.

The autopsy concludes that his death was a homicide.

The report includes a snippet of information from the SFPD account of the shooting, although it doesn't contain the names of the officers. The account by police contains little new information, although it does claim that the Taser Nieto was carrying had been discharged.

"The subject reportedly brandished and discharged a Taser at the officers," the report states.

A lawsuit by the family states that eyewitness accounts show Nieto never pointed his weapon at the officers.

If he had discharged the Taser at the officers, it wouldn't have been much of a threat; the nonlethal stun gun available to civilians has an effective range of no more than 15 feet, and by all accounts, the officers were closer to 70 feet away. If they were following standard procedure, they were protected by their cars.

The Taser could also have discharged when Nieto fell to the ground.

The report of a discharge raises another interesting question. The SFPD says that the officers couldn't tell from that distance whether the weapon was a Taser or a pistol. But if Nieto had fired it, the difference would have been instantly clear; the sound of a Taser, which shoots darts propelled by nitrogen cartridges, is different from the report of a pistol. And of course, no bullet would have been flying through the air.

The SFPD account also states that the officers handcuffed Nieto after he was down on the ground and shot multiple times with 40-caliber rounds. Paramedics arrived 15 minutes later and tried to treat him, but Nieto was already dead.

Most of the bullets hit Nieto in the front of the body; both head wounds were to the face. But there were at least two gunshot wounds in his back, indicating that he had either turned away from the officers or was already on the ground when those struck him.

I couldn't reach the lawyers for the family for comment. I'll post more information as I get it.

SFDPA - 0179-14 - 000929

This entry was posted in Uncategorized. Bookmark the permalink.

35 Responses to *Breaking: Nieto had a least 14 gunshot wounds, autopsy report shows*



MossyBuddha *says:*
September 12, 2014 at 1:55 pm

Wow. i'm going to assume that Sam has already donated to the Darren Wilson defense fund.

Reply



Steve Vender *says:*
September 12, 2014 at 1:55 pm

This was a police execution, a stone cold murder by the S.F.P.D., and George Gascon won't do a damn thing about it, which means we have a DA who condones police murder of civilians. When Officer Issac Espinoza was killed by David Hill a few years ago, the police went crazy, demanding the death penalty. The DA at the time, Kamala Harris, was opposed to the death penalty and wouldn't charge it that way, but she prosecuted it fully and obtained a conviction where Hill was sentenced to life without the possibility of parole. However, the loss of a life of a civilian like Alex Nieto, murdered by the police, doesn't seem to upset the S.F.P.D. or the DA's office in the least. Right now, any cop on the S.F.P.D. can kill with impunity, secure in the knowledge that he would never be indicted by George Gascon. What's wrong with this picture?

Reply



Sam *says:*
September 12, 2014 at 2:22 pm

Except that every eye witness has opined that this was a good valid shoot.

But your personal prejudices must always trump actual evidence, right?

Reply



Jonathan *says:*
September 12, 2014 at 5:49 pm

certainly Sam's prejudices and opinated endless negative commentary trumps facts, compassion, kindness, in favor of police violence, greed, evictions, and displacement of low income, working class and minority people.

Reply



Sam *says:*
September 12, 2014 at 6:52 pm

Every eye witness to the kill attests that it was a good shoot

Reply



James *says:*
September 12, 2014 at 2:35 pm

There is something called "contagion firing" that happens in police forces all over. And it is the psychological influence when more than one person is firing the number of shots goes up exponentially. Now I am not judging either the police or the victim in this case, just saying that 4 more cops firing doesn't equate to 8 shots.

Reply



Sam *says:*
September 12, 2014 at 2:40 pm

Chances are the cops got out of a vehicle and were closely grouped together. when nieto pointed a firearm at them then they would have all felt their lives were at risk and their training and instincts would have led them all to fire.

I'd be more concerned if this was an isolated shot. The multiple shots confirms that Nieto posed an immediate threat to others and needed to be taken out.

Reply



Jonathan *says:*
September 12, 2014 at 5:51 pm

You weren't there, Sam, you didn't know Alex.

Reply



Sam *says:*
September 12, 2014 at 6:53 pm

And you weren't there either. But every eye witness account says

SFDPA - 0179-14 - 000931

that you are wrong

Reply



Sue Grissom *says:*
September 12, 2014 at 2:58 pm

This ruling could spell trouble for the SFPD officers involved in this shooting. Three SFPD officers, Paul Morgado, Michelle Alvis, and John Keesor, are facing wrongful death charges in federal court in Oakland as we speak, for the shooting death of Asa Sullivan at the Villas Park Merced apartments in 2006. The officers were denied qualified immunity by the U.S. Supreme Court because of factual questions of whether they violated his Fourth Amendment rights. See Espinoza vs. City and County of San Francisco http://www.kmtg.com/node/939

Reply



Sam *says:*
September 12, 2014 at 6:54 pm

Relevance?

Reply



David Carlos Salaverry *says:*
September 12, 2014 at 5:21 pm

Dear Sam,

What ARE we going to do with you?

I'd hoped you'd stay off this thread, but here you are, being a major a-hole and making conservatives look very bad. You ought to read some of the Reason Magazine web links to police shootings to get a sense how outrageous many-most of them are. And to assume Nieto was a suicide-by-cop without evidence goes beyond your usual snarky, stick-it-to-the-progressives comments into something disturbing and ugly.

Please lay off. A human life was lost, and that's always tragic. Respect the grief and anger of those who identify with the brown skinned man who is now gone. Though you are creating legitimate grounds, I hope you don't get banned, because without Sam, we've got mostly the choir singing in unison on 48 HIlls, which gets boring.

Reply



George Shieman Eureka/San Francisco *says:*

SFDPA - 0179-14 - 000932

10/22 Police Commission Meeting, Wed. 6pm, Balboa High School

We hope that you will join us in demanding transparency and accountability in the homicide of Alex Nieto on Wednesday 10/22 at the Police Commission meeting at Balboa High School at 6pm. (Facebook invite here.)

Balboa High School

Green Room

1000 Cayuga Street

San Francisco

For Alex's 7th month anniversary and in preparation for the Police Commission meeting we have released a Drawing and Analysis of the Autopsy Report. Please check it out!

Despite the release of the autopsy report, at the seven month milestone of Alex's homicide, his family, friends and community continue to be kept in the dark on essential facts. We have not received basic information from SFPD nor the City, and we request your support in demanding the following at the Police Commission meetings and through upcoming actions:

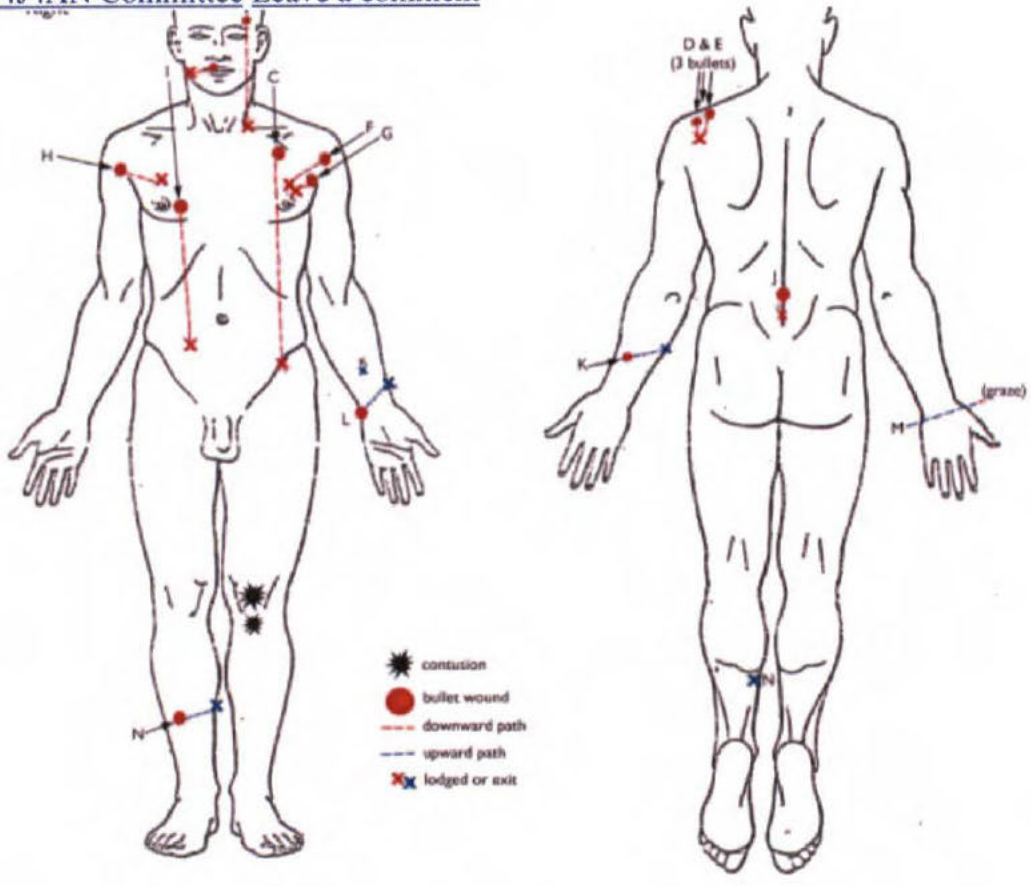
- **Original unedited 911 call or transcript** to determine the threat to which Officers responded armed and in fear of their lives. According to Chief Greg Suhr (Town Hall Meeting) they were responding to a call about a man in a red jacket, eating sunflower seeds or chips, with a "gun" at his hip (i.e. a holstered weapon.) Therefore, there is no proof of threat that would have elicited the repeated lethal force exacted upon Alex.
- **Witness statements** about Alex's conduct and officer conduct. Again, what was the threat to which officers responded.
- **Police reports** that might illuminate us of findings from the homicide investigation, as to why officers discharged their weapon and whether they are considered suspects of a homicide.
- **Names of officers** involved. The public deserves to know who are the officers involved, as well as: what is their history? which community are they working in? what type of administrative sanctions if any have been issued?
- **Total number of officers** at scene: We would like to know how many officers were on scene; not only the number of officers who shot at Alex. We have heard that at least 10 possibly up to 20 officers responded to the 911 call on the ringside road, weapons drawn and showing no caution as they ran towards the hill.
- **Number of bullets** shot at Alex. We know from the autopsy report that his body has 14 to 15 bullet wounds caused by *at least* 10 bullets. But, how many rounds total were discharged? What type of caliber? The autopsy report says 40 caliber, but aas there another type of weapon used?
- **73 photographs attached to the autopsy report** mentioning objects strewn about his body, including number of bullet casings found at the scene.
- Any other information withheld by SFPD or the Police Commission that can clarify events of that day.

10/22 is the National Day of Protest Against Police Brutality. The date was inaugurated in 1996 by the October 22 Coalition to Stop Police Brutality, Repression and the Criminalization of a Generation to bring those under the gun and those not under the gun as a powerful voice to expose the epidemic of police brutality.

This national day of action coincides with the San Francisco Police Commission meeting. Please join us in demanding transparency and accountability for Alex's homicide and speak out against police brutality in San Francisco!

Drawing and Analysis of the Autopsy Report

October 20, 2014J4AN Committee Leave a comment



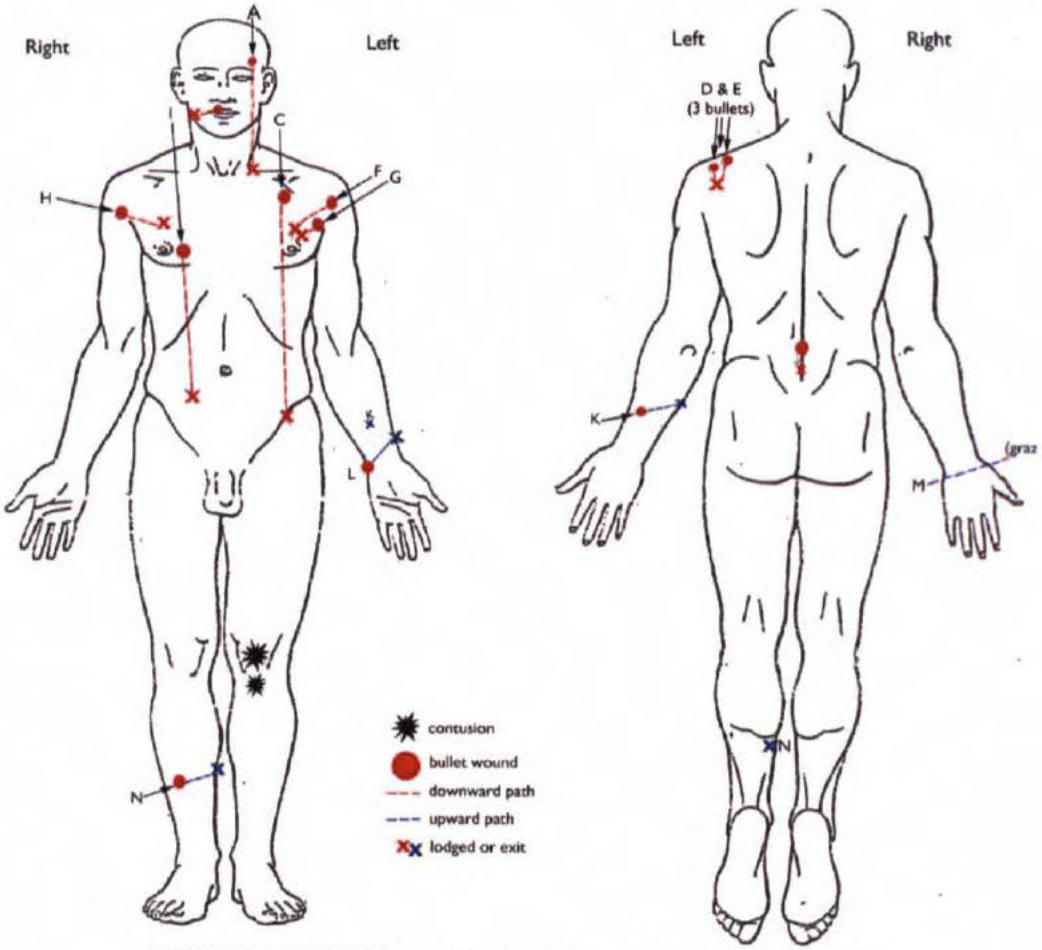
Drawing based on the Autopsy Report

Last month, the Medical Examiner's Office released a (sloppy) autopsy report to the media, without giving the Nieto Family the detailed report. The Nieto Family received a one page summary, while the media received the complete report.

For Alex's 7th month anniversary (today 10/21/2014) of being killed by SFPD officers, we've completed a drawing based on the information in the autopsy. We're not forensic medics, but we've done our best to follow the information in the autopsy report to recreate the path of the entry wounds. The Autopsy Report is publicly available, so you can check our drawing and analysis against the original.

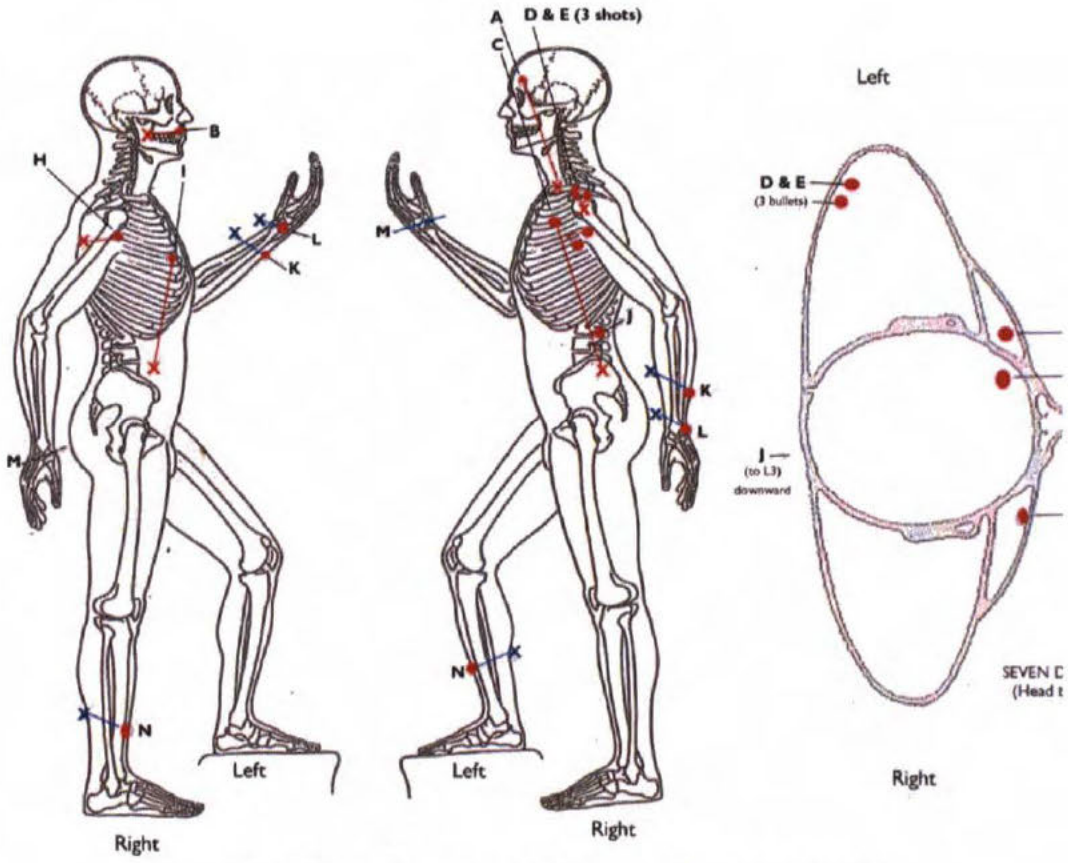
Analysis of Autopsy Report

There are four upward trajectory wounds. These likely correspond to initial shots fired uphill by officers at Alex. The wounds would indicate that Alex had his hands up (either surrendering or raising hands for cover). Besides these upward shots to the wrists and left arm, there is an upward shot to his right leg. The wound to the leg would explain Greg Suhr's account that Alex fell to the ground after initial shots fired. Alive, but wounded and on the ground, officers subsequently fired a series of downward shots (direction head to toe) that killed Alex, even if he was not a threat to officers or anyone else. This is a criminal act.



ALEX NIETO AUTOPSY. Source: Medical Examiner's Report, (9/11/2014)

SFDPA - 0179-14 - 000937



ALEX NIETO AUTOPSY. Source: Medical Examiner's Report, (9/11/2014)

SFDPA - 0179-14 - 000938

Not only was Alex defenseless and down on the ground, but executing him was a deliberate, calculated decision by officers involved. The audio of the shots shows a six second pause, in which officers had time to think, before opting to release a deadly volley of shots on Alex. (Listen to audio below.)

Sequence of Shots

Upward bullet wounds K, L, M and N: While we are not certain of the sequence of all shots, we feel confident that Alex was first shot in the right leg, left wrist and arm, and right wrist (graze). These upward shots would indicate that he was upright and his hands were raised in surrender or perhaps instinctively raised for cover in a fetal position reaction.

These wounds are consistent with reports of shots fired uphill at Alex without sufficient warning. The wound to the right leg and contusions to his left knee would be consistent with accounts (by Chief Suhr and Lawsuit Witnesses) that Alex fell to the ground after initial shots fired. These upward shots (marked in blue) are not fatal wounds.

The rest of the shots were fired in a downward trajectory (marked in red), i.e. with officers firing from above Alex.

Downward bullet wound B: Alex was likely next shot in the mouth in a straight downward direction. This shot is also not fatal, even if extremely shocking.

Downward (head to toe direction) bullet wounds A, C, D+E (3 shots), I and J: The autopsy next shows six wounds caused by seven downward trajectory shots entering Alex in a head to toe direction: left temple, three to the left shoulder, one each to the right and left chest, and one to the back (lodging in L3.) The seven downward trajectory shots can be explained in two ways:
(1) Alex was shot in the back and fell onto his back, while officer(s) approaching from the back continued to shoot in a downward trajectory from head to toe, or
(2) Alex fell forward, over his knees, defenseless, while approaching officer(s) continued to shoot at him straight on. (We tend to believe this version is correct, because it best explains the downward shot to the back, which lodges in L3.)

Either way, it is evident that Alex suffered multiple execution-style shots once he was incapacitated and on the ground. Alex Nieto could have survived the initial shots fired had officers not decided to silence him. These are criminal acts that cannot be justified by SFPD nor the City.

Downward bullet wounds F, G and H: The remaining three shots are explained by officers flanking Alex left and right once he is down, and shooting downward, from the sides into his right and left arms and left chest. The left side shots enter his left lung and pleural cavity, while the right side shot lodges back into his right scapula.

We hope that this information helps to understand the unlawful act committed by officers against Alex Nieto. Alex's Story brings into question the legitimacy of a City government that defends lethal unwarranted violence from its police force. We continue to hope for full transparency and accountability, and express our desire for a government that increases human services for its residents, rather than force

SF Medical Examiner's Report is a Desperate Dud

September 13, 2014oscar5831 1 Comment

ALEX'S DEATH RULED A HOMICIDE

The San Francisco Medical Examiner has ruled the death of Alejandro (Alex) Nieto as a homicide, not death by natural causes, not death by accident, not death by suicide. This is a death by homicide. Unfortunately, because much of their report seems to be an intentional sabotage to our justice cause, we hereby emphatically re-request the federal department of justice to thoroughly investigate this homicide. San Francisco and their apparatus cannot be trusted.

14 BULLET WOUNDS

While the medical examiner report contains much information that is irrelevant to Alex's death, it does state that he had up to fourteen wounds in both his head and body, from the front and back; the trajectory of those wounds were both downward and upward, which seems to indicate he was shot while lying on the ground. What justification can be used to fire up to fifteen rounds into someone who is lying on the ground?

The report also indicates that most of the bullets hit Alex in the front of the body; both head wounds were to the face. But there were at least two gunshot wounds in his back. Eyewitness reports indicate that two officers approached him from behind. What kind of threat does a man facing away from officers present?

D.A. FAILS US AGAIN

During a meeting with the Nietos and their attorney on Friday, May 16, District Attorney Gascon promised that when the autopsy report would be completed, he would personally notify us in advance. He did not. In fact, the family received a summary report, while the media received the full report. While we could only address a summary report, the media reacted to a full biased report that we did not have access to comment on at the time.

SFDPA - 0179-14 - 000941

To add insult to injury, the Medical Examiner's Office called the Nieto Family to tell them they could request the full report for $38.

This biased report seems to be an attempt to shock us, but the community stands strong and ready.

FACTS VERSUS CONTESTED POLICE VERSION OF EVENTS

Let us review the uncontested facts of this case:

On Friday, March 21st, 2014, at the time police encountered Alex Nieto, they knew absolutely nothing about his history. At this present time, six months later, we have no evidence that any 911 call, witness statement, or radio dispatch notified police officers before they encountered Alex that he was in any way acting aggressively or erratically. In fact, information provided by police and eyewitnesses consistently report him as NOT a threat.

Facts: Alex Nieto was a hard-working, outstanding college student, a volunteer at the Youth Guidance Center Juvenile Hall, a loving son, and positive community activist. This is not the portrait of someone who is so ill that they cannot perform productively in society. How could he be so dysfunctional yet at the same time perform so many positive duties? A security guard, Alex Nieto was scheduled for work in less than two hours when the police killed him.

When one can't deal with facts, one attempts to slander the victim.

Learn more about Alex's Story!

MEDICAL EXAMINER IS NOT A POLICE DETECTIVE

There is no reason or authority for the Medical Examiner to act as a police detective investigating any possible rationale for anything that happened on Bernal Heights on Friday, March 21. Their job is simply to conduct an examination of the body and notify the public of the medical examination concerning the cause of death. The San Francisco Medical Examiner is not a detective agency; if they were, then they should also be investigating the background and disciplinary records of the police officers who killed Alex Nieto, yet we still do not even have those officers' names. The San Francisco Medical Examiner is supposed to be unbiased and transparent in safeguarding the public good, yet here they are obviously attempting to besmirch the character of Alex Nieto, even though that is not their job.

M.E. INSERTS CONTESTED POLICE VERSION OF EVENTS IN AN AUTOPSY REPORT

The report also claims that Alex brandished his taser, yet it is not the medical examiner's job to make any determinations on possible brandishing of tasers. In an unbiased manner, they are simply supposed to determine cause of death. Their statement about brandishing obviously shows that they are using the police account as fact, which is not part of the medical examiner's job.

But we should question why the medical examiner used the term "brandishing." Who gave the medical examiner that language? It is critically important to understand that the Medical Examiner chose to pander to SFPD by including a **CONTESTED version of events** into their report. Even this language shows the need for further evidence. At the townhall meeting at Leonard Flynn Elementary School on Tuesday, March 25, 2014, the Chief of Police Greg Suhr consistently and repeatedly stated that Alex Nieto had "pointed" the taser at officers. Brandishing and pointing are not the same action. There is inconsistency in this vital detail that is unraveling the competing police accounts.

Consider that this narrative of the taser firing is a different story than that told at the Town Hall meeting. SFPD are changing their story; trying to increase the perception of threat when there was none. If the taser had been fired, this would have been the first story told. SFPD and the City are digging themselves deeper into the hole of their fabricated story.

Remember, **eyewitnesses consistently say Alex was never a threat, never raised his taser, nor moved to touch his taser**. The Medical Examiner's is deliberately and shamelessly facilitating SFPD's cover up; showing that besides its general incompetence, the M.E. cannot be trusted as an independent examiner.

The Medical Examiner's report also states the taser was discharged. Again, this is a contested fact in a lawsuit which explains that witnesses confirm that Alex never touched his taser. There is absolutely no reason why police narrative of events should even be in the AUTOPSY report. This is a violation of the public trust.

- If the taser were discharged while Alex was lying down, then Alex may have discharged it in self-defense of his life.
- If the taser was discharged, was it due to one of the fifteen bullets that attacked Alex Nieto?
- **AND MOST IMPORTANTLY, did police discharge the taser to cover up the fact that Alex never had a taser in his hand?**
- Even if the taser had been discharged, which we have no proof that it was discharged by Alex, this would indicate that if Alex was upright, officers would or should have immediately known

that Alex did not discharge a firearm, as the sound of a taser being discharged is not the blast of a pistol, and, of course, no bullet would have ejected from the taser. Yet the police continued to fire into Alex while he was lying down.

Note again that the witness(es) contradict any possibility of Alex brandishing, pointing, or discharging any taser, as they state that Alex never pointed a taser nor was he warned by the police before the police shot him multiple times.

AN INCIDENT OF MENTAL DISTRESS IN 2011 IS IRRELEVANT TO A POLICE MURDER in 2014

Alex's past mental well-being is irrelevant to the issue of whether the police are liable or criminally accountable for his homicide. An isolated incident, years back, in which Alex needed medical attention in no manner justifies an unlawful police murder. In fact, it is unrelated to March 21st, 2014.

Any smear tactics cannot contradict or explain witness statements concerning this police shooting. Officers did not know who Alex was or anything about any mental illness. No evidence whatsoever has been brought forth that police knew anything about Alex's history prior to encountering him, so any issues that Alex may have had in 2011, three full years before his killing, are completely irrelevant and should not have equated to a death sentence without due process at the hands of the police.

We also question why police officers, who should be protecting and serving communities, continue to stigmatize and criminalize mental illness. Mental illness is not a crime. Mental illness is a recoverable condition.

M.E.'S REPORT IS A GROTESQUE BREACH OF DUTY

The medical examiner's job is to examine the decedent's body, not his medical history. According to experienced attorneys in the field, the type of report that the medical examiner has issued in this case is a grotesque, unprecedented type of report that goes well beyond the scope of the medical examiner's duties. Furthermore, we ask these questions: why did the medical examiner even requisition Alex's medical history when they knew exactly how he had been killed—by gunshot wounds? How would the medical examiner have known that Alex had medical records at San Francisco General Hospital? Was it that the San Francisco Police Department, after killing a completely innocent man and then through their desperate attempt

to slander Alex's name by intimidating and interrogating various people, told the medical examiner to dig into Alex's specific confidential medical records? In less than one business day after the killing, who gave the medical examiner permission to access Alex Nieto's medical records, which are confidential private information that must be subpoenaed by an authorized agent? Who authorized the medical examiner to use the language that was used to summarize only certain information about Alex Nieto's confidential medical records? The medical examiner has absolutely no expertise to perform a psychological profile or police detective evaluation concerning Alex Nieto.

SF MEDICAL EXAMINER HAS VIOLATED THE PUBLIC TRUST

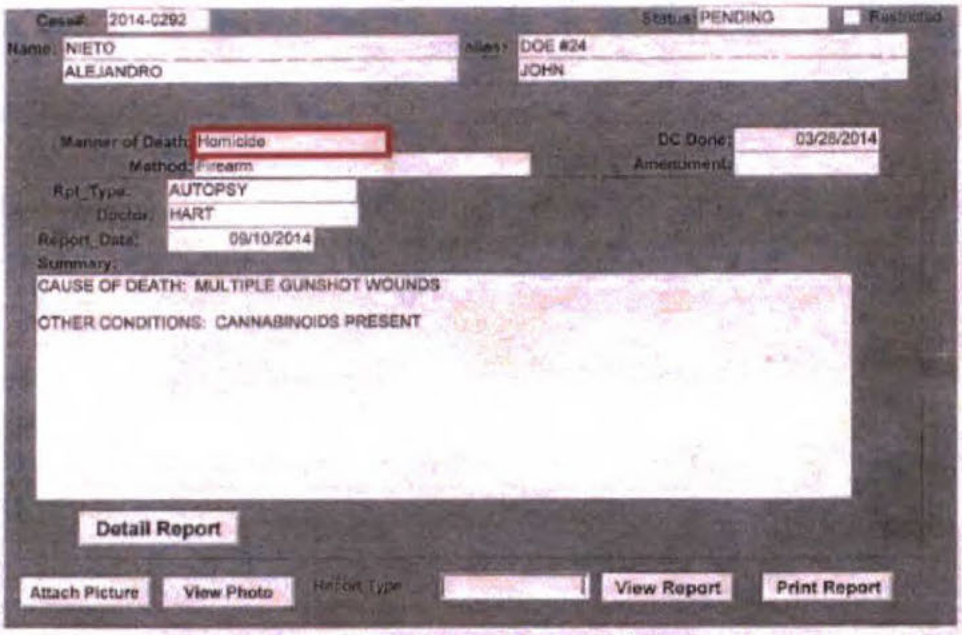
The San Francisco Medical Examiner has violated the public trust.
The San Francisco city apparatus continues to push forward slanderous information to negatively assassinate Alex's character, when the focus should remain on the killing of an innocent man. Highest level San Francisco officials seem to be embracing this ridiculous report in order to cover up their negligence and possible criminality. A desperate dud, this report is their attempt to counter our positive and effective community efforts.
When looked at with critical and reasonable eyes, this medical examiner's report is proof that our efforts are forcing them into desperation.
Continue to question. Continue to spread the word. Continue the good fight.

Continue *Amor* and Justice for Alex Nieto!

UPDATE: Read Medical Examiner's Report Ruling Homicide as Cause of Death

Breaking! Medical Examiner Rules Death of Alex Nieto A Homicide

September 11, 2014J4AN Committee 3 Comments



The San Francisco Medical Examiner has ruled the death of Alex Nieto a homicide. Therefore, we demand a thorough investigation into his homicide by the San Francisco District Attorney or, as emphatically requested, an outside federal investigation. We also demand a full detailed autopsy report be released immediately.

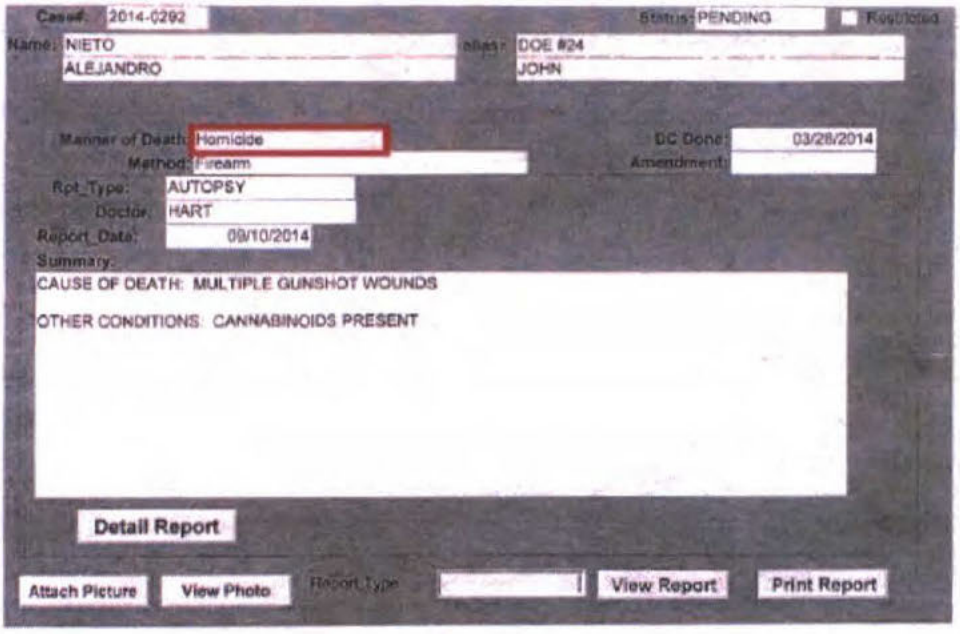
A summary report was mailed to Refugio and Elvira Nieto consisting of two brief lines stating the following:

CAUSE OF DEATH: MULTIPLE GUNSHOT WOUNDS

OTHER CONDITIONS: CANNABINOIDS PRESENT

We find this summary unsatisfactory. After nearly six months of examining and investigating, the San Francisco Medical Examiner causes the family and community only further grief and angst by summarizing Alex Nieto's cause of death as "multiple gunshot wounds." We demand to know how many gunshots entered into Alex's body and head, and whether those entry wounds were from the front or back of his body. We demand the full autopsy report.

Alex Nieto had a California Medical Marijuana Card. In the state of California, someone can legally consume marijuana with a medical marijuana card.



A press conference will be held Friday September 12, 2014, 2p.m. at the Alex Nieto Memorial Site on Bernal Hill, northside slope.

CITY AND COUNTY OF SAN FRANCISCO CHIEF MEDICAL EXAMINER

EDWIN M. LEE
MAYOR

Dear Sir or Madam:

Please find enclosed the final report of the death of your loved one. An amended death certificate has been submitted to the State of California's Office of Vital Records. You may contact your funeral director or the San Francisco Department of Public Health/Office of Vital Records at 415-554-2713 to verify the registration status and to order copies of the death certificates.

Sincerely,

Amy P. Hart M.D.

Amy P. Hart, M.D.
Chief Medical Examiner

Enclosure

Hall of Justice • 850 Bryant Street • San Francisco, CA 94103-4603 • Phone (415) 553-1694 • Fax (415) 553-1685
ACCREDITED BY THE NATIONAL ASSOCIATION OF MEDICAL EXAMINERS

SFDPA - 0179-14 - 000948

Case#: 2014-0292 Status: PENDING ☐ Restricted

Name: NIETO ALEJANDRO alias: DOE #24 JOHN

Manner of Death: Homicide DC Done: 03/28/2014

Method: Firearm Amendment:

Rpt_Type: AUTOPSY

Doctor: HART

Report_Date: 09/10/2014

Summary:

CAUSE OF DEATH: MULTIPLE GUNSHOT WOUNDS

OTHER CONDITIONS: CANNABINOIDS PRESENT

Detail Report

Attach Picture | View Photo | Report Type | View Report | Print Report

SFDPA - 0179-14 - 000949

The Examiner

 September 12, 2014

Alejandro Nieto may have discharged his stun gun before being shot as many as 14 times

By Jonah Owen Lamb @Jonahowenlamb

click to enlarge



MIKE KOOZMIN/THE S.F. EXAMINER

Benjamin Bac Sierra and family members of Alex Nieto, killed by SFPD on March 21, 2014, hold a press conference in Bernal Hills Park following the release of the San Francisco Medical Examiner report detailing the cause of death of Nieto.

RELATED STORIES

Three-county car chase ends in Financial District fatal police shooting
By Jonah Owen Lamb

Police release the names of nearly all officers involved in shootings since 1990
By Jonah Owen Lamb

Family of man killed by SF police prepares to sue The City, claims the shooting was unjustified
By Jonah Owen Lamb

Police fatally shot SF man after mistaking Taser for gun
By Jonah Owen Lamb

A San Francisco man who was shot and killed by San Francisco police after allegedly pulling a stun gun on officers had as many as 14 gunshot wounds and may have discharged the stun gun at the scene, according to the Medical Examiner's Office report released Thursday.

Alejandro Nieto, 28, was killed March 21 when policed fired on him after he reportedly drew a stun gun that police mistook for a real gun. The Bernal Heights Park incident was precipitated by reports of an armed man acting erratically atop the hill.

The legal team representing Nieto's family has said a witness maintains that Nieto never had a stun gun.

The wounds to Nieto's body, several to his back, came from above and below and were caused

SFDPA - 0179-14 - 000950

by .40-caliber weapons, according to the Medical Examiner's Office, which said in the report that the cause of death was gun shot wounds.

Nieto's wounds were to the head, torso, legs and arms. In all, 18 fragments or clusters of bullet fragments were recovered from the body. But the number of gunshot wounds does not necessarily mean he was hit with that many bullets, as one bullet could cause multiple wounds.

The report also noted that Nieto had a history of mental health issues made worse because he failed to take his medication. The report's pathological findings noted that Nieto had a "clinical history of psychosis exacerbated by non-compliance with medications."

Nieto had a restraining order against him after threatening a man with a stun gun.

Despite the report's indication of Nieto's history of mental health issues, Benjamin Bac Sierra, a spokesman for the family, said that such details had nothing to do with Nieto's death and should not retroactively justify police actions.

"Do not trust the San Francisco machinery to tell you the truth," said Bac Sierra about Nieto's death investigation, which he described as a character assassination and a "twisting of reality."

Bac Sierra said that such details have no bearing on the shooting since there is no indication that police at the scene had any idea of Nieto's mental state.

Nieto's entry wounds, said Bac Sierra, seem to indicate Nieto was shot while on the ground.

According to the report, Nieto was handcuffed by police after the shooting and then examined by medical staff who declared him dead at the scene.

The autopsy, which was conducted from March 22 and completed April 17, was sent to the Nieto home and arrived Thursday.

More Crime & Courts »

Tags: Crime & Courts, gun violence, San Francisco police, Alejandro Nieto, officer involved shooting, stun gun



JONAH OWEN LAMB

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@jonahowenlamb

Bio:

Born and raised on a houseboat in Sausalito, Lamb has written for newspapers in New York City, Utah and the San Joaquin Valley. He was most recently an editor at the San Luis Obispo Tribune for nearly three years. He has written for *The S.F. Examiner* since 2013 and covers

SFDPA - 0179-14 - 000951

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Attorneys for plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

REFUGIO NIETO and ELVIRA NIETO individually and as the Co-Successors in Interest to ALEJANDRO NIETO;

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO, Police Chief GREG SUHR in his individual capacity & DOES 1-50, individually and in their official capacities as a Police Officer for the City and County of San Francisco, inclusive.

Defendants.

CASE NO.:

COMPLAINT FOR WRONGFUL DEATH AND VIOLATION OF CIVIL RIGHTS AND DAMAGES

JURY TRIAL DEMANDED

INTRODUCTION

1. This claim arises out of an incident that took place on Friday, March 21, 2014 at approximately 7:00 p.m. at Bernal Heights Park in the City of San Francisco, California wherein

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Decedent, Alejandro "Alex" Nieto was unlawfully shot and killed by several yet to be identified San Francisco Police Officers.

2. In the aftermath of the incident, the City and County of San Francisco ("CCSF") and the involved Officers claimed Alex defied Officers' orders and pointed a taser at them. The Officers claimed they mistook the taser for a handgun, causing them to fear for their lives and as a result shot and killed him. After an independent investigation led by the community and the Law Offices of John L. Burris, witnesses along with physical evidence was uncovered which contradicts CCSF's version of the events.

3. To date, CCSF has refused to release the involved Officers' names. Instead, CCSF has engaged in a media campaign to besmirch Alex's reputation as a well known San Francisco resident who never sustained a single arrest, was an active community organizer, college student, and local law enforcement volunteer.

JURISDICTION

4. This action arises under Title 42 of the United States Code, Section 1983. Title 28 of the United States Code, Sections 1331 and 1343 confers jurisdiction upon this Court. The unlawful acts and practices alleged herein occurred in San Francisco, California, which is within this judicial district. Title 28 United States Code Section 1391(b) confers venue upon this Court.

PARTIES

5. Plaintiffs herein, REFUGIO NIETO and ELVIRA NIETO, are, and at all times herein mentioned were a citizens of the United States. Plaintiffs are the Co-Successors in interest and biological parents of decedent, ALEJANDRO "ALEX" NIETO. Said plaintiffs are persons with standing to bring the action pursuant to California Code of Civil Procedure Sections 377.30.and 377.60 and California Probate Code Section 6402. Decedent, ALEJANDRO "ALEX" NIETO, was not married at the time of his death, did not have children and died without leaving a will.

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6. Defendant CITY AND COUNTY OF SAN FRANCISCO (hereinafter referred to as "CCSF") is and at all times mentioned herein a municipal corporation, duly authorized to operate under the laws of the State of California. Under its supervision, the CITY AND COUNTY OF SAN FRANCISCO operates the San Francisco Police Department ("SFPD").

7. Defendant GREG SUHR (hereinafter referred to as Chief Suhr) is, and at all times mentioned herein, sued in his individual capacity.

8. Plaintiffs are ignorant of the true names and/or capacities of defendants sued herein as DOES 1 through 50, inclusive, and therefore sue said defendants by such fictitious names. Plaintiffs will amend this complaint to allege their true names and capacities when ascertained. Plaintiffs believe and allege that each of the DOE defendants is legally responsible and liable for the incident, injuries and damages hereinafter set forth. Each defendant proximately caused injuries and damages because of their negligence, breach of duty, negligent supervision, management or control, violation of public policy and/or use of excessive force. Each defendant is liable for his/her personal conduct, vicarious or imputed negligence, fault, or breach of duty, whether severally or jointly, or whether based upon agency, employment, ownership, entrustment, custody, care or control or upon any other act or omission. Plaintiffs will ask leave to amend this complaint subject to further discovery.

9. In engaging in the conduct alleged herein, defendant police officers acted under the color of law and in the course and scope of their employment with CCSF. In engaging in the conduct described herein, defendant police officers exceeded the authority vested in them as police officers, under the United States and California Constitutions, and as employees of CCSF.

10. For State causes of action related to Federal claims, plaintiffs are required to comply with an administrative claim requirement under California law. On April 14, 2014, Plaintiffs filed a Government Tort Claim with the City and County of San Francisco advising CCSF, Plaintiffs intended to file a lawsuit against CCSF and the Officers should CCSF continue to stonewall their efforts to obtain the fruits of CCSF's investigation into this incident and/or continue to deny civil liability for the death of Alex Nieto. On May 27, 2014, CCSF rejected Plaintiffs' Claim without providing a scintilla of information as to why CCSF denied the Claim.

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STATEMENT OF FACTS

11. On Friday, March 21, 2014, Mr. Alejandro Nieto began his evening at the home he shared with his mother, father and younger brother. He left the family home intent on getting some food before he went to work as a security guard at a nearby restaurant. To that end, Mr. Nieto bought a burrito and went to Bernal Heights Park to enjoy his meal and the view of the City and neighborhood he loved. Once he arrived at the Park he found a bench and began eating his dinner.

12. Witnesses recount seeing Mr. Nieto at the park peacefully sitting alone on the bench enjoying his burrito. A yet to be identified person called 911 and erroneously reported Mr. Nieto as having a black gun on his hip. The caller mistook the black and yellow taser Mr. Nieto lawfully carried for use on his security job for a gun. However, the caller did not claim Mr. Nieto was bothering anyone or making any type of threatening gestures with the reported "gun."

13. Several SFPD Officers converged on the park determined to investigate the call and confront the reported "gunman." An SFPD Patrol car entered the park and drove up a fire trail before stopping approximately 75 to 100 feet away from Mr. Nieto who at that time was casually walking down the jogging trail to the Park's entrance. Two Officers emerged from the patrol car and immediately took cover using their car for protection. Several other Officers had also gathered on the jogging path, appeared to be carrying rifle-type guns and were positioned behind Mr. Nieto. One of the Officers behind the patrol car called out and ordered Mr. Nieto to "stop."

14. Within seconds a quick volley of bullets were fired at Mr. Nieto. No additional orders or any other verbal communication was heard between the first Officer yelling "stop" and the initial volley of gunfire that rang out. Mr. Nieto fell to the ground. After a brief pause of just a second or two, a second barrage of shots were fired. The Officers' bullets struck Mr. Nieto in his forehead and at least nine other places leaving his body grossly disfigured and mortally wounded.

15. In the aftermath of the incident, SFPD claims Mr. Nieto refused to comply with Officers' requests for him to show them his hands and instead pointed the taser at them, challenged their authority forcing the Officers to shoot him. However, the ear and eye witness' revelations undermine SFPD's claims. Based upon the witnesses' accounts there, in fact, was no justification for this unwarranted use of deadly force as contrary to the Defendants' claims, they did not hear Mr.

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Nieto threaten anyone or see him attempt to grab or point any object at the Officers prior to being shot.

16. The above-described intentional and/or negligent conduct by defendants was a factual and proximate cause of Decedent's death and Plaintiff's damages.

17. Plaintiffs are informed and believe and thereon allege that CCSF, Chief Suhr and DOES 26-49, inclusive, breached their duty of care to the public in that they have failed to discipline defendant John Doe SFPD Officers 1-25 inclusive, for their respective misconduct and involvement in the incident described herein. Their failure to discipline defendant John Doe SFPD Officers 1-25 inclusive, demonstrates the existence of an entrenched culture, policy or practice of promoting, tolerating and/or ratifying with deliberate indifference, the use of excessive and/or deadly force and the fabrication of official reports to cover up defendant John Doe SFPD Officers 1-25's inclusive, misconduct.

18. Plaintiffs are informed and believe and thereon allege that members of the San Francisco Police Department, including, but not limited to DOES 1-25 and/or each of them, have individually and/or while acting in concert with one another used excessive, arbitrary and/or unreasonable force against decedent, ALEJANDRO NIETO.

19. Plaintiffs' are further informed, believe and therein allege that as a matter of official policy -- rooted in an entrenched posture of deliberate indifference to the constitutional rights of persons who live, work or visit the City of San Francisco, SFPD has allowed persons to be abused by its Police Officers including defendant DOES 1-25 and/or each of them, individually and/or while acting in concert with one another.

20. Plaintiffs' are informed, believe and therein allege that SFPD Police Officers exhibit a pattern and practice of using excessive and/or deadly force against citizens, as evidenced by the 97 SFPD Officer involved shootings that have occurred since 2000. Of those 97 shootings, 33 people have died and 35 people have been injured. In each and every one of the shooting cases wherein a person died as a result of the Officers' use of deadly force, SFPD has found the Officer used deadly force within policy even under the most questionable of circumstances. SFPD's failure to discipline or retrain any of the involved Officers is evidence of an official policy, entrenched culture and

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posture of deliberate indifference toward protecting citizen's rights and the resulting deaths and injuries is a proximate result of SFPD's failure to properly supervise its Police Officers and ratify their unconstitutional conduct.

21. Plaintiffs are informed, believe and therein allege that CCSF knew, had reason to know by way of actual or constructive notice of the aforementioned policy, culture, pattern and/or practice and the complained of conduct and resultant injuries/violations.

22. Plaintiffs are ignorant of the true names and capacities of Defendants DOES 1 through 25, inclusive, and therefore sue these defendants by such fictitious names. Plaintiffs are informed, believe, and thereon allege that each defendant so named is responsible in some manner for the injuries and damages sustained by plaintiffs as set forth herein. Plaintiffs will amend their complaint to state the names and capacities of DOES 1-50, inclusive, when they have been ascertained.

DAMAGES

23. Plaintiffs Refugio Nieto and Elvira Nieto were mentally, and emotionally injured and damaged as a proximate result of decedent's wrongful death, including but not limited to: Plaintiffs' loss of familial relations, decedent's society, comfort, protection, companionship, love, affection, solace, and moral support as a consequence of Defendants' violation of Plaintiffs' federal civil rights under 42 U.S.C. §1983 and the Fourteenth Amendment.

24. Plaintiffs Refugio Nieto and Elvira Nieto are entitled to recover wrongful death damages pursuant to C.C.P. Sections 377.60 and 377.61 and Probate Code Section 6402(b).

25. Plaintiffs Refugio Nieto and Elvira Nieto as Co-Successors in interest to Alejandro Nieto are entitled to recover damages pursuant to the decedent's right of survivorship for the pain and suffering he endured as a result of the violation of his civil rights.

26. Plaintiffs Refugio Nieto and Elvira Nieto found it necessary to engage the services of private counsel to vindicate the rights of decedent and plaintiff under the law. Plaintiffs are therefore entitled to an award of attorneys' fees and/or costs pursuant to statute(s) in the event that they are the prevailing parties in this action under 42 U.S.C. §§§§ 1983, 1985-86 and 1988.

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FIRST CAUSE OF ACTION

Violation of Fourth Amendment of the United States Constitution

(42 U.S.C. §1983)

(Refugio Nieto and Elvira Nieto as Co-Successors in interest to Alejandro Nieto v. DOES 1-25)

27. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 26 of this complaint.

28. Defendants' above-described conduct violated Decedent's right, as provided for under the Fourth Amendment to the United States Constitution, to be free from excessive and/or arbitrary and/or unreasonable use of deadly force against him.

29. Alejandro Nieto was forced to endure great conscious pain and suffering because of the Defendants' conduct before his death;

30. Alejandro Nieto did not file a legal action before his death;

31. Plaintiffs Refugio Nieto and Elvira Nieto, as Co-Successors in interest of Alejandro Nieto claims damages for the conscious pain and suffering incurred by Alejandro Nieto, as provided for under 42 U.S.C. §1983.

32. Defendants acted under color of law by shooting and killing decedent without lawful justification and subjecting decedent to excessive force thereby depriving the decedent of certain constitutionally protected rights, including, but not limited to:

a. The right to be free from unreasonable searches and seizures, as guaranteed by the Fourth Amendment to the United States Constitution;

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

SECOND CAUSE OF ACTION

(Violations of Plaintiffs' Civil Rights to Familial Relationship)

(42 U.S.C. § 1983)

(Refugio Nieto and Elvira Nieto v. DOES 1-25)

33. Plaintiffs hereby re-allege and incorporate by reference herein paragraphs 1 through 32 of this Complaint as though fully set forth;

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34. Defendants, acting under color of state law, and without due process of law, deprived Plaintiffs of their right to a familial relationship by seizing Decedent by use of unreasonable, unjustified and deadly force and violence, causing injuries which resulted in Decedent's death, all without provocation and did attempt to conceal their extraordinary use of force and hide the true cause of Decedent's demise to deprive Plaintiffs of their right to seek redress in violation of their rights, privileges, and immunities secured by the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

THIRD CAUSE OF ACTION

(Monell – 42 U.S.C. section 1983)

(Refugio Nieto and Elvira Nieto v. CCSF, Chief Suhr and DOES 26-50)

35. Plaintiffs hereby re-allege and incorporate by reference herein paragraphs 1 through 34 of this Complaint.

36. Plaintiffs are informed and believe and thereon allege that high-ranking CCSF officials, including high-ranking police supervisors such as Chief SUHR and DOES 26 through 50, and/or each of them, knew and/or reasonably should have known about the repeated acts unconstitutional use of deadly force by SFPD Officers.

37. Despite having such notice, Plaintiffs are informed and believe and thereon allege that CITY, Chief SUHR & DOES 26-50, and/or each of them, approved, ratified, condoned, encouraged, sought to cover up, and/or tacitly authorized the continuing pattern and practice of misconduct and/or civil rights violations by SFPD which brought about Defendant DOES 1-25 unlawfully shooting Alejandro Nieto to death.

38. Plaintiffs are further informed and believe and thereon allege that as a result of the deliberate indifference, reckless and/or conscious disregard of the misconduct by Defendants DOES 1-25 and/or each of them, ratified and encouraged these officers to continue their course of misconduct.

39. Plaintiffs further allege that Defendant DOES 26-50, and/or each of

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them, were on notice of the Constitutional defects in their training of SFPD police officers, including, but not limited to unlawfully using deadly force to make detentions and/or arrests.

40. The aforementioned acts and/or omissions and/or deliberate indifference by high ranking CCSF officials, including high ranking SFPD supervisors, Chief SUHR and DOES 26-50, and each of them resulted in the deprivation of Plaintiffs' constitutional rights including, but not limited to the right to not be deprived of life, liberty or property without due process of the law, as guaranteed by the Fourteenth Amendment to the United States Constitution and the right to be free from excessive force by police officers, as guaranteed by the Fourth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs prays for relief as hereinafter set forth.

FOURTH CAUSE OF ACTION
(Wrongful Death - Negligence)
(C.C.P. §377.60 and 377.61)
(Refugio Nieto and Elvira Nieto
v. CCSF under theory of respondeat superior & DOES 1-25)

41. Plaintiffs re-allege and incorporate by reference herein paragraphs 1 through 40 of this Complaint, except for any and all allegations of intentional, malicious, extreme, outrageous, wanton, and oppressive conduct by defendants, and any and all allegations requesting punitive damages.

42. Defendants CCSF under theory of respondeat superior and DOES 1-25 inclusive, by and through their respective agents and employees, proximately caused the death of decedent Alejandro Nieto as a result of their negligent conduct and/or negligent failure to act as set-forth herein.

43. As an actual and proximate result of said defendants' negligence, and the death of decedent, Plaintiffs Refugio Nieto and Elvira Nieto have sustained pecuniary loss along with the loss of comfort, society, and services of their son in an amount according to proof at trial.

44. As a further actual and proximate result of said defendants' negligence, Plaintiffs incurred funeral and burial expenses, in an amount according to proof at trial.

45. Pursuant to California C.C.P. Sections 377.60 and 377.61, Plaintiffs have brought this action, and claims damages against said defendants for the wrongful death of decedent, and the

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resulting injuries.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

FIFTH CAUSE OF ACTION

(Battery)

(Refugio Nieto and Elvira Nieto as Co-Successors in interest to Alejandro Nieto v. CCSF under theory of respondeat superior & DOES 1-25)

46. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 45 of this complaint.

47. Defendants' above-described conduct constituted a battery.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

JURY DEMAND

Plaintiffs hereby demand a jury trial.

PRAYER

WHEREFORE, Plaintiffs pray for relief, as follows:

1. For general damages in a sum to be determined at trial;

2. For special damages, including but not limited to, past, present and/or future wage loss, income and support, medical expenses and other special damages in a sum to be determined according to proof;

3. For funeral and burial expenses according to proof;

4. For punitive damages and exemplary damages in amounts to be determined according to

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proof as to defendant Officers DOES 1 through 25 and/or each of them;

5. For reasonable attorney's fees pursuant to 42 U.S.C. §1988;

6. For cost of suit herein incurred.

Dated: August 22, 2014

THE LAW OFFICES OF JOHN L. BURRIS

/s/ John L. Burris

JOHN L. BURRIS
Attorneys for Plaintiffs
REFUGIO NIETO AND ELVIRA NIETO

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

REFUGIO NIETO and ELVIRA NIETO individually and as the Co-Successors in Interest to ALEJANDRO NIETO

(b) County of Residence of First Listed Plaintiff San Francisco
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
John L. Burris, Esq., Law Offices of John L. Burris
Adante D. Pointer, Esq., Law Offices of John L. Burris
7677 Oakport St. Ste 1120, Oakland, CA 94621 Tele: (510) 839-5200

DEFENDANTS

City and County of San Francisco, Police Chief Greg Suhr in his individual capacity & Does 1-50, individually and in their official capacities as Police Officers for the City and County of San Francisco

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☒ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
42 U.S.C. Section 1983

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
08/22/2014

SIGNATURE OF ATTORNEY OF RECORD
/s/ John L. Burris

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

(Place an "X" in One Box Only) ☑ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA

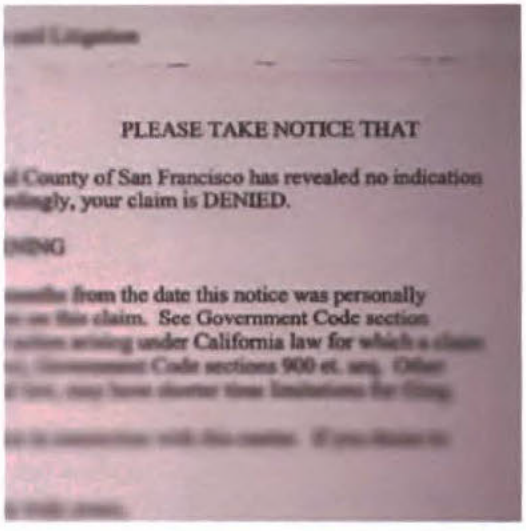
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NEWS: City Denies Wrongful Death of Alex Nieto!

June 4, 2014J4AN Committee 1 Comment

NEWS: The City Denies Wrongful Death of Alex Nieto by SFPD!

The Law Offices of John L. Burris have received a Notice from the City Attorney of San Francisco, Dennis Herrera, in response to the Claim filed by Refugio and Elvira Nieto on April 14th, 2014 for the wrongful death of their son, Alex Nieto. Without any explanation regarding the findings of their investigation, the City Attorney **DENIES** any wrongdoing on behalf of SFPD.



PLEASE TAKE NOTICE THAT

County of San Francisco has revealed no indication
ingly, your claim is DENIED.

from the date this notice was personally
on this claim. See Government Code section
arising under California law for which a claim
Government Code sections 900 et. seq. Other

City Denies Claim, dated June 2, 2014

We quote:

> An investigation of your claim filed with the City and County of San Francisco has revealed no indication of liability on the part of the City and County. Accordingly, your claim is DENIED.

With this denial, the City is forcing the Nieto Family to consider lengthy litigation as their sole recourse for justice for their son! These processes bear a heavy toll on family and friends, prolonging closure for traumatized victims of violence.

Meanwhile, in the criminal justice process, the District Attorney's investigation dwindles to a complete halt awaiting the slowest Medical Examiner's Report to ever be issued by the Coroner. D.A. Gascón (a career police officer and former Chief of Police of San Francisco) promised to expedite this report, but there is no sign of interest or hurry.

This is a call to community action! Stay tuned for details!

Update: Takeaways from Meeting with D.A. (Friday May 16th, 2014)

May 19, 2014J4AN Committee 4 Comments

FIRST, THANKS FOR YOUR SUPPORT!

We thank community members who signed petitions asking the District Attorney George Gascón to investigate and file criminal charges against the officers involved in the shooting of Alejandro "Alex" Nieto. The D.A. has not filed any charges. However, your support was essential in assisting the Nieto Family to obtain an appointment with the D.A.! Thanks!

MEETING/ WHO WAS THERE!

On Friday May 16th, D.A. Gascón explained the investigation process led by his office to the Nieto Family. This was strictly a legal meeting between the two parties. The Nieto Family was accompanied by their legal representative, Adante Pointer. Ben Bac Sierra was present as a friend of the family.

TAKEAWAYS!

The Justice & Love for Alex Nieto Committee is now able to inform on the takeaways from the meeting:

- **D.A. will seek to expedite the completion of the medical and forensic report (Medical Examiner's Report).** D.A. Gascón cannot conclude his investigation until he receives the Medical Examiner's Report. Once available, he will make the "findings and analysis sections" of the Medical Examiner's Report available to the **public via his office's website.**
- **D.A. will give family courtesy of informing them of his decision prior to making any public statements about his decision or own Report.** However, he cannot make a decision until the Medical Examiner's Report is obtained.
- **D.A. stated that SFPD's Report is also pending reception of the Medical Examiner's Report.**
- **D.A. will be investigating any and all criminal acts that took place, before, during or after the shooting.** The latter includes **SFPD follow-up investigation after the shooting.** (For example, the interrogation of the Nieto Family in the aftermath of the shooting, the burglary of the car, any misrepresentations to the media, possible tampering with evidence, etc.) All criminal acts will be investigated in connection to the killing of Alex Nieto.
- **D.A. informed the Nieto Family about available grief counseling.**
- **D.A. acknowledged that this is a Community Case.** D.A. Gascón expressed understanding that this is a community case followed closely and supported in San Francisco and the Bay Area.

In summary, some information was gained from the meeting, but we all agree that **actions will speak louder than words**. Therefore…

COMMUNITY ACTION POINTS

The Justice & Love for Alex Nieto Committee believes that until criminal charges are filed in relation to the police killing of Alejandro Nieto, the District Attorney will be part of the system that delays, and therefore, denies justice to the Nieto Family. Here are some things we can do to *motivate* the justice system:

- **Supporters are invited to petition the D.A. to expedite access to the Medical Examiner's Report** relevant to the shooting of Alex Nieto. We will soon draft and put up a form petition. Without the release of this Report, no justice is possible.
- **Supporters are still encouraged to sign a petition to the DOJ.** We remain of the strong opinion that only an independent federal investigation into the homicide of Alex Nieto (and any related criminal acts) by the Attorney General of the U.S. Department of Justice will guarantee a fair and unbiased investigation.
- **Supporters are invited to attend Police Commission hearings.** A member of our Committee has regularly attended these meetings. Please join us in voicing your own concerns about investigations into the death of Alex Nieto.
- Join us in supporting the D.A.'s decision to investigate **any and all criminal acts that took place, before, during or after the shooting** connected to the unlawful killing of Alex Nieto.

Again, thank you for your support, and thank you for your patience in allowing us to gather this information so that we can report back to you.

The Justice & Amor Committee For Alex Nieto

May Day: The Nieto Family Story

Posted on May 1, 2014 by unsettlers

Refugio Nieto and Elvira Rodriguez (now Elvira Nieto) were born a year apart in the little town of Tarimoro, Guanajuato, known for its agricultural and handmade brick businesses. Refugio was the eldest child in a family of eight, and Elvira the fourth in a family of nine children. He was born into a family of *campesinos*, working for 12 pesos a day in the fields, which is why at 14 years of age, Refugio decided to become a *ladrillero* (brickmaker) earning 25 pesos a day. Her family owned a plot and a pool bar that provided them with a subsistence income. Both their fathers at some point joined the Bracero program, earning just enough money across the Border to improve the family futures by purchasing farm land.

Elvira ventured out to California in 1973, following her brother and sister to the Mission District of San Francisco. Her first job was in a factory on 6th and Mission making bedspreads, and later in a garment factory sewing embellishments using machines that "ran at 100 kilometers per hour!" she exclaims. Refugio headed out to California in 1978 to become a *lechugero* and *tomatero* in the fields close to San Jose. At night, he slept with other workers among the machinery in the sheds, and remembers talk of Cesar Chavez organizing in Salinas. Both were granted legal residency. "It was easier back then," says Refugio.

Though they had known each other as youth in Tarimoro, Refugio and Elvira fell in love in San Francisco. In 1984, they decided to get married, travelling all the way back to Guanajuato to get their parents' blessings. "Fathers of the bride were energetic in those days!" says Refugio with a wink. On their return to California, Elvira refused to sleep in the shed in San Jose, and so they found their home on Cortland Street on Bernal Hill, making lifelong friends with surrounding families.

In 1985, Elvira landed a job as a housekeeper in a small tourist hotel on O'Farrell Street, and within the year, the young couple started their small family of two kids: Alejandro "Alex", the oldest, and Hector, the youngest. Afraid of losing a good job, but more worried about having their children grow up without parents, Elvira and Refugio made a critical decision to sacrifice the household economy for the sake of their sons, and Refugio became a stay-at-home dad. They were poorer, but happy and safe. Later, when the two little ones were old enough – about the time when Alex in 6th grade felt embarrassed to be walked to school by his Dad and promised to take care of his little brother–Refugio returned to work. He worked for six years as a dishwasher at a Spanish paella restaurant on Fisherman's Wharf, and later with a

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waterproofing contractor in Richmond. When the company closed a few years ago, Refugio retired.

Alex and Hector bounded forward in their own lives. Alex learned to be a community organizer since the age of 12, and a Buddhist pacifist, who dedicated his young adult life to developing a career in criminal justice. He worked as a security guard at night. Hector also became a security guard, with the added responsibility of providing for his daughter as a young father. Today –May Day 2014– is Elvira's first official day of retirement after working for 29 years as a hotel housekeeper. Months earlier, Alex had started prodding her, "*Mami*, what are you going to do with all that time? You have to do something that you've always wanted to do!" She would laugh and answer, "First, I'm going to rest." Refugio and Elvira could not have suspected that heading into the final stretch of a lengthy, difficult, often unfair work life, they would suddenly find themselves grieving the brutal killing of their eldest, Alex, by San Francisco police officers.

The shooting of Alejandro "Alex" Nieto

On Friday, March 21st, 2014, Alex Nieto (age 28) went up to Bernal Hill to watch the sunset and eat a burrito, before going to his security guard night shift at El Toro. Bernal Hill was his respite since he was a child, and it was common to find him walking, sitting, or exercising on the hill. That day he was wearing his security guard belt, with a holstered taser, and his new 49ers jacket. In a Town Hall meeting after the shooting, Chief of Police Greg Suhr explained that a pedestrian on the hill called 911 at 7:11pm to describe a Latin male adult wearing a bright red jacket and a gun at his hip. At 7:14pm, the caller, who stayed on the line while officers arrived on scene, described Alex as eating sunflower seeds or chips. At 7:18pm, the same caller heard the shots that killed Alejandro Nieto.

From an available home security camera audio recording, we know that police first fired two shots, followed by a seven second pause, succeeded by approximately fourteen shots. In the Town Hall meeting, Chief of Police Greg Suhr explained that Alex had raised his taser at the approaching officers from 75 feet away. Officers fearful for their lives, shot Alex twice, and he fell to a prone position. Suhr claims that wounded and fallen, Alex raised his taser to track police officers with a red dot laser. Suhr states that the four officers on scene still felt threatened, but this time, they plied him with bullets until he stopped moving.

An impossible version of events

His family and friends cannot believe the version of events narrated by the Chief of Police, because Alex was a friendly and peaceful young man. His father emphasizes, "He was such a friendly person. We would barely leave the house, when he would be stopping a mom with a

child, and start playing and talking with the baby." Refugio adds, "He probably had met many of the regulars on Bernal Hill Park. Whoever called the police, surely hadn't been there long enough to have met Alex."

Alex's family and friends also cannot believe police version of events, because he was a student of police regulations and procedures. He had participated two years at SF Police Activities League (PAL) as a youth, before choosing a Criminal Justice degree at City College with the aim to become a probation officer helping youth. He had just completed his program.



Alex with professors at CCSF

His family cannot believe that Alex —knowledgeable in police behavior, regulations, and protocols— would have ever raised his weapon at approaching officers. His father and mother both say, "It is impossible to believe."

It is truly an unbelievable version of events that Alex, with his background in law enforcement, seeing officers with guns drawn would even consider touching his taser. It is even more unbelievable that after feeling the impact of bullets and falling to the ground, knowing that he only had a taser and officers had guns that Alex would continue to track officers with the taser. Police version of events are simply impossible to believe.

One of Alex's best friends, Ben Bac Sierra —homeboy, author, and professor at City College of San Francisco— recently told El Tecolote newspaper, "I believe that profiling occurred in this case.... (The officers) hear his description—Latin male, 6-foot tall—and that causes them some intimidation, because he's somewhat tall. He has a red jacket on. He has never been involved with guns, never been arrested in his life, but I believe they profiled him as some type of gang-involved individual," added Bac Sierra. "If Alex had been a blond-haired, blue-eyed, 6-foot individual with what appears to be a gun on a holster, eating a corned-beef sandwich—he

may have been mistaken as an off-duty police officer. There's a mindset that occurred as they were approaching."

The irony of this shooting is that Alex had at one point participated in the PAL. His activities were interrupted by the closing of PAL after 9/11. When the academy reopened, he didn't return, but other of his classmates did and went on to become officers. Alex had friends in the police department.

The Nieto Family is mistreated by police

Eighteen hours after SFPD killed Alejandro, police officers decided to pay the family a visit. Three officers showed up at the Nieto family home, under the pretext that they had come to inform the family about Alex. Instead they interrogated the parents in English —they speak Spanish— fishing for information about Alex's lifestyle. Refugio stopped them, and told them they could not continue without a translator. An interpreter was bought, and officers once again asked to enter their home. Refugio asked if they had a search warrant, which they said they didn't, but once again, officers insisted that they came to talk to them about Alex. In this understanding, the parents allowed them inside their modest home and led them to the room where they receive guests, which is the family TV room and Alex's bedroom. Once inside their home, officers continued to interrogate the parents, placing hands on objects that attracted their attention in the room. Seeing their behavior, Refugio demanded to know the reason for their visit "Are you here to inform us about Alejandro or interrogate us?" The interpreter finally relayed the message: "*Alejandro ya no está entre nosotros,*" a literal translation of "Alex is no longer among us," and that police had killed him.



Alex at a friend's wedding

Consider the shock that Refugio and Elvira experienced at this moment… Now consider that in that moment of shock, police asked the parents if they could have a few minutes to register the room. Elvira cried out in her son's defense "Go ahead! We have nothing to hide!" Don Refugio, on the other hand, feeling rising indignation and illness prohibited them from touching anything of their son's. He told them, "I'm feeling very ill, and if you continue touching anything, I will feel even sicker."

The police officers left, but not empty handed. With the car keys recovered off of Alex's body from the shooting scene, the officers took his car from the street, without a warrant, nor notice to the family. Refugio and Hector were left to worry that the car had been stolen… which in fact it was, *by the police*. The inside of the car was completely stripped, and they also took Alex's iPad from the car, without a warrant, nor notice to the family. It wasn't until Supervisor David Campos intervened that the family got the car back, insides destroyed.

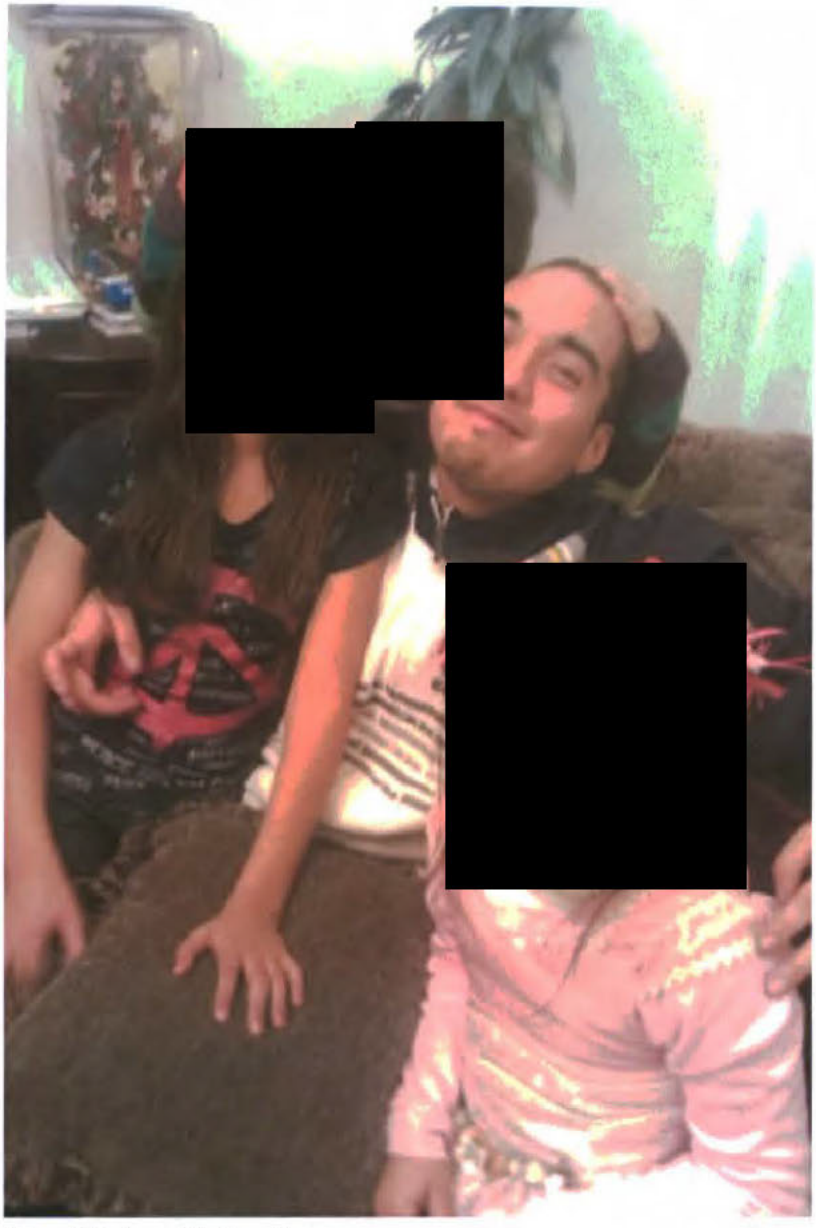
An important question

When the interpreter told the family that police had shot Alex dead, Elvira demanded to know "Why?" An officer answered, because "he was a threat." To which Elvira retorted in anger and anguish, "Couldn't you have shot him in the leg?!" Despite being in the throes of trauma, Elvira asked an important question.

Police officers can only use their firearms when they identify a threat to their safety or the safety of others. Each of the officers need to explain the threat identified that justified:

- The 1st shot?
- The 2nd shot?

Unfortunately, with the gigantic loophole established in regulations, officers might be able to justify that Alex was a threat just because they thought he looked like a threat. So, they fired two non-lethal shots. The Chief of Police says that, at this point, Alex was alive, but prone on the ground. What then was the threat identified that justified:



Alex Nieto with family

•The 3rd shot?

And after this injury…

- The 4th shot?
- The 5th shot?
- The 6th shot?
- The 7th shot?
- The 8th shot?
- The 9th shot?
- The 10th shot?
- The 11th shot?
- The 12th shot?

- The 13th shot?
- The 14th shot?
- Or more shots?

Each officer needs to justify the threat that allowed him or her to keep unloading their firearm, bullet by bullet, ensuring the death of Alex Nieto. At some point, these officers decided to kill him, even though Alex couldn't possibly have been a threat. An unlawful police officer shooting is a crime.

In any case, Chief of Police's version of events and related police frequency dispatch audio provide evidence that Alex Nieto never threatened anyone. He is described as pacing near a bench, eating a meal on Bernal Hill. Another walker on Bernal told reporters that he saw Alex and though he didn't like that he had a holstered weapon, "...he wasn't threatening to me. He seemed like a guy just eating a burrito."

For those of us, who do not believe police versions of events, it makes sense that SFPD delayed notifying the family for 18 hours, pulling an all-nighter to fabricate a story that would make the public believe that they had killed an "outlaw." In the case of Alex Nieto, SFPD will never be able to sustain that storyline, because Alex was spiritually and professionally a man of peace and law. The only believable explanation is that racial profiling led those police officers to kill an innocent.

Unfortunately, citizens and residents of San Francisco have no access to facts that could provide an alternative explanation. After Alex was shot, we do not know how police handled evidence or statements from officers and eyewitnesses. All police activity is shrouded in obscurity by regulations and committees established to protect officers (not citizens.) Not even the audio of the 911 call has been released, nor the medical examiner's report.

mayday... mayday... mayday

Elvira should be celebrating her first day of retirement today, on May Day, alongside her husband, two grown sons, granddaughter, and extended family. Instead, she has difficulty being in public since Alex died, and Don Refugio finds public speaking overwhelming, even though he diligently shows up for every event. He says, "I feel like I am looking into a shattered mirror, without knowing who I am anymore." Elvira shakes her head, "After all the struggles we overcame to raise our children..."

This May Day is an opportunity to celebrate Elvira and Refugio's outstanding work and family ethics, but also to stand by them in their plea for justice for their son, Alex Nieto. Despite rights gained across the ages for workers and migrants, 'May Day' in old and new working class,

migrant communities, such as Bernal and the Mission, still resembles a distress call against injustice and discrimination: *mayday... mayday... mayday...*

The well-known saying is "justice delayed is justice denied." With police holding all available information, ample opportunity to manipulate or hide the truth, with public transparency inexistent, and lengthy litigation as the sole means of gaining any answers, justice goes denied and police abuses go uncurbed. Still, it is the police who on a regular basis claim that their lives are threatened by poor minority and migrant inhabitants of the City.

mayday... mayday... mayday...

This is a community distress call.

OPPOSING VERSION OF EVENTS:

WHAT CHIEF OF POLICE GREG SUHR SAYS HAPPENED*

* [Source: Chief Suhr, Town Hall Meeting 3/25/2014.] **[Listen to KQED audio of Town Hall Meeting.]**

WHAT FEDERAL CIVIL LAWSUIT SAYS HAPPENED**

** [Source: **Civil Federal Lawsuit filed 8/22/2014. Read lawsuit on website.]**

EYEWITNESSES PRIOR TO SHOOTING

- Alex is reported behaving erratically by eyewitnesses.

- Witnesses recount seeing Alex at the park peacefully sitting alone on the bench enjoying his burrito.

911 CALL

- 7:11pm: 911 dispatch receives a call reporting a Latin male adult with a red jacket, black pants, and a handgun on his hip, pacing near a bench close to a chain linked fence on Bernal Hill.
- 7:14pm: Caller (who stays on the line while police arrive) reports Alex eating chips or sunflower seeds.
- 7:18pm: Calling party hears shots fired by police.

- A yet to be identified person called 911 and erroneously reported Alex as having a black gun on his hip.
- Alex was carrying his licensed holstered taser.
- The caller did not claim Alex was bothering anyone or making any type of threatening gestures with the reported "gun.

THE TASER

- Alex was wearing a holstered taser that looks like a gun.
- When drawn, this type of taser emits a red dot.

- Alex Nieto was dressed for work, wearing a holstered, licensed taser, as part of his security guard uniform.
- Tasers are purposely made distinguishable with yellow stripes.

THE SHOOTING

- A Sergeant and Officer from Ingleside are the first to arrive on scene.
- Alex is engaged 75 feet away up a hill, with his back to the west, Officers looking towards horizon.

- An SFPD Patrol car entered the park and drove up a fire trail before stopping approximately 75 to 100 feet away.
- Alex at that time was casually walking down the jogging trail to the Park's entrance.
- Two Officers emerged from the patrol car and immediately took cover using their car for protection.

- Two other Officers arrive.

- Several other Officers had also gathered on the jogging path, appeared to be carrying rifle-type guns and were positioned behind Alex. (*i.e. not facing western horizon as SFPD says.*)

- One of the Officers behind the patrol car called out and ordered Alex to **"stop."**
- Within seconds a quick volley of bullets were fired at Alex.

- Alex has his hands behind him. Officers asked him "to show his hands."

- Alex responded "you show me your hands."

- Alex drew his taser, and tracked officers with the red taser dot.

- Officers shoot him.

- Alex goes down in a prone position.

Ear and eye witness' revelations say:

- No additional orders or any other verbal communication was heard between the first Officer yelling "stop" and the initial volley of gunfire that rang out.
- Alex did not threaten anyone nor verbally resisted Officers.
- Alex did not attempt to grab or point any object at the Officers prior to being shot.
- Alex falls to the ground after the initial shots.

- Prone and on the ground, Alex continues to "track" Officers with the red laser dot.

- Officers say they feared for their lives and shot him repeatedly, until he stopped moving.

- Eye witness' revelations do not see Alex point any object at the Officers, before or after Officers shoot him to the ground.

- After a brief pause of just a second or two, another barrage of shots were fired.
- The Officers' bullets struck Alex in his forehead and at least nine other places leaving his body grossly disfigured and mortally wounded.

NOTE: Audio from a home security camera reveals 2 initial shots fired; possibly a close 3rd; followed by a 6 second pause; and then a continuous volley of up to 10 shots.

AUDIO:

Audio from a home security camera reveals TWO initial shots fired; possibly a 3rd; followed by a 6 second pause; and then a continuous volley of at least 10 shots.

WHAT WE BELIEVE HAPPENED: A POLICE COVER-UP

Officers gave Alex no chance to respond to warning before they shot him twice. In the following pause, during which Alex is injured and agonizing, officers decide—without any evidence of danger—to continue shooting, hitting him ten or more times. This was an unjustifiable police murder —an execution— of an innocent man. SFPD, the Officers involved in the shooting, and the City and County of San Francisco are involved in a cover-up. They fabricated a false narrative of events and have hid evidence.

A FEW KEY FACTS…

NO THREAT REPORTED:

Alex Nieto posed no threat to anyone on Bernal Hill. A witness told reporters: "…he wasn't threatening to me. He seemed like a guy just eating a burrito." [Source: ABCLocal; SFBG] Alex routinely ate dinner on Bernal, before going to his security guard shift. He had been with his parents before going out.

The next day, SFPD…

- Interrogated the Nieto Family for 45 minutes, attempt a warrantless search of their home, and only then, tell Alex's parents that SF police killed their son.
- Stole Alex's car from the street, with keys retrieved from his body, without notifying the family. They ripped apart the inside of the car and took Alex's iPad and security jacket. They have yet to say what else they took from the car.

SFPD & Police Commission has actively withheld…

- Key evidence from the public, including
  - NAMES of the officers involved
  - Original 911 call(s), not even a transcript has been provided
  - Witness statements
  - Autopsy report
  - Police reports
  - Any possible video from sergeant's body cam

while

- Attempting to "murder" Alex's character by feeding false and irrelevant information and inferences to the media to taint public (your) opinion of Alex.

SFPD SUSTAINS A PATTERN OF IMPUNITY

Since 2000, 97 SFPD officer-involved-shootings (OIS) have occurred. Of those 97 shootings, 33 people have died and 35 people have been injured. In each and every one of the OIS wherein a person died, SFPD has found the use of deadly force within policy even under the most questionable of circumstances. This is evidence of an official policy, entrenched culture and posture of deliberate indifference toward protecting citizen's rights, and the resulting deaths and injuries is a result of SFPD's ratifying unconstitutional conduct of officers.

We demand an independent federal investigation into the death of Alex Nieto and decade after decade of impunity.

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The Examiner

 April 06, 2014

Supervisor David Campos responds to letter from police officers' union

By Jonah Owen Lamb @Jonahowenlamb

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MARCIO JOSE SANCHEZ/2009 AP FILE PHOTO

Supervisor David Campos said his comments regarding the shooting death of Bernal Heights resident Alejandro Nieto by police have been misconstrued by the Police Officer's Association.

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By Jonah Owen Lamb

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By Jonah Owen Lamb

Residents recount circumstances of shooting of SF officer

By Jonah Owen Lamb

The recent shooting death of Alejandro Nieto by San Francisco Police -- who reportedly pointed a stun gun at officers, according to police -- has riled many in the Bernal Heights neighborhood he lived in.

The aftershocks of the March 21 incident have also pitted the San Francisco Police Officer's Association against District 9 Supervisor David Campos, who the union went after in a letter for his comments at a community meeting after the shooting.

Campos contends that the letter was factually inaccurate. At the March 26 community meeting with Police Chief Greg Suhr, Campos said he commented on the fallout from the

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incident rather than the facts of the shooting.

"My comments were mainly in response to how the family was treated," he said, pointing out that the Nietos were not told about their 28-year-old son's death until after they'd been questioned by police and were not able to see the body for days, and even then were given few details about Nieto's death.

"People are concerned about the way The City had interacted with this family," he said. "I did call for an independent investigation. The point is not for blame but to make sure something like this doesn't happen again."

As for the recent threats against police, Camps said he opposes such actions and holds police officers in the highest regard.

More Crime & Courts »

Tags: Crime & Courts, SFPD, San Francisco Police Department, officer-involved shooting, Alejandro Nieto, Bernal Heights Park, David Campos



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Bio:
Born and raised on a houseboat in Sausalito, Lamb has written for newspapers in New York City, Utah and the San Joaquin Valley. He was most recently an editor at the San Luis Obispo Tribune for nearly three years. He has written for *The S.F. Examiner* since 2013 and covers criminal justice and planning.

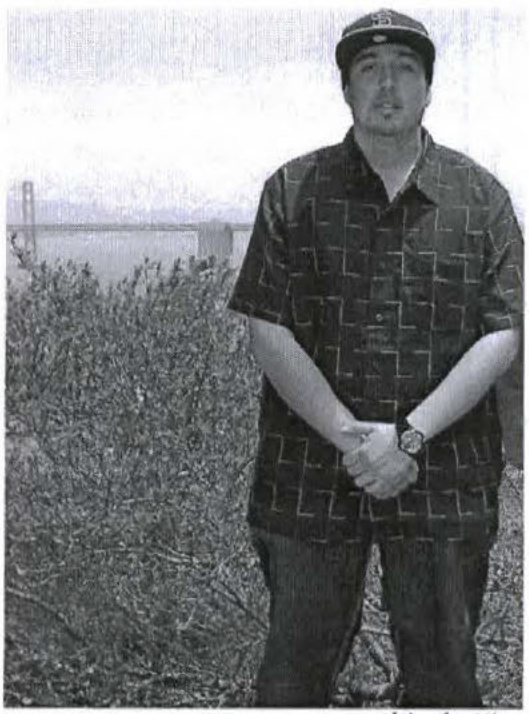
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ANSWER ACT NOW TO STOP WAR AND END RACISM

Community March: Justice for Alejandro Nieto! Jail killer cops!

Date:	March 29, 2014
Time:	2:00 pm
Location:	Mission Cultural Center, 2868 Mission St. near 25th St. San Francisco, California
Contact:	ANSWER Coalition at answer@answersf.org or 415-821-6545

On Friday night, San Francisco police officers shot and killed Alejandro Nieto in an act of blatant racist murder. Three cops surrounded Nieto in a triangulated formation and riddled him with bullets. They are now trying to excuse the killing saying Nieto had a gun and that he was acting erratically.



Alejandro Nieto

None of their lies add up. First of all, acting erratically is not a crime and cannot be the basis for killing someone. Nieto—a City College of San Francisco student and security guard—owned a taser gun as part of his work. The taser gun has a bright yellow stripe down the side specifically to differentiate it from a real gun. The cops were not in any danger, perceived or otherwise.

In fact, they murdered a Latino man for the crime of eating his dinner in a neighborhood that is becoming yet another center of gentrification in a city that is rapidly being reserved for the wealthy.

Bernal Heights, like many neighborhoods in San Francisco, used to be a place where working people could own homes and rent affordably. Now, it—like the Mission today and Noe Valley many years ago—is being converted into a place where wealthier people live in homes that sell for millions or rent for many thousands of dollars a month.

The police in this city are the protectors of the wealthy developers and tech company owners who are driving the rest of us out.

Alejandro Nieto should be alive today. The police officers who killed him must be arrested and tried for murder. The ANSWER Coalition joins with many other community organizations and thousands of individuals in calling for a truly independent investigation into this latest atrocity.

We urge everyone who believes in justice to join the community march on Saturday, March 29, 3 pm at the Mission Cultural Center, 2868 Mission St., near 25th St. to say: Justice for Alejandro Nieto! Jail killer cops!

POWERED BY

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San Francisco News

SFPD chief faces upset community over shooting

Tuesday, March 25, 2014

TAGS: shooting, SFPD, san francisco news, carolyn tyler

EMBED

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SAN FRANCISCO (KGO) -- San Francisco Police Chief Greg Suhr faced the community to give his department's side of why officers shot and killed a man in Bernal Heights Park. The victim's family and friends are calling the shooting "unjustified." The chief refused to answer questions until Tuesday.

Tuesday evening, Suhr stood before some outraged community members in a town hall meeting answering questions about why police shot 28-year-old Alejandro Nieto on Friday.

ABC7 News spoke to Suhr earlier on Tuesday as he prepared for the hot seat at Leonard Flynn Elementary School in the Mission District. Many want to know what were the circumstances leading up to the shooting death of Nieto, how many shots were fired, if he had a gun or a Taser.

"The officers, when they were responding, they were responding to a man with a gun call in the dark," said Suhr.

Suhr says based on what he knows about the tragedy at Bernal Heights Park, he is not second guessing his officers. They shot and killed Nieto last Friday night. Some witnesses told ABC7 News as many as 14 rounds were fired. Officers say Nieto pointed a weapon at them. Friends insist it was a Taser not a gun.

"The police should be trained to understand the difference between a pistol and a Taser gun," said Benjamin Bac Sierra, a friend of Nieto's.

"I believe, knowing what I know right now, that the officers were acting in defense of their lives," said Suhr.

Family, including his father, and friends held a vigil at the park Monday night, remembering a young man who was a community activist and practicing Buddhist, who wanted to become a probation officer.

But there were also concerns about his mental health. A former friend said Nieto was violent, injuring him with a Taser earlier this month.

Witnesses at the park said Nieto was acting erratically, but from talking to Suhr, it's unclear if officers knew that at the time.

"It turns out we find out later that he did have a history of mental illness, which makes it that much more tragic," said Suhr.

Supervisor David Campos, who represents the neighborhood, says police have a special unit to deal with mental health issues.

"There was a new tactical team that was created for that purpose. One question that I have is was that team involved in this incident? Did they call upon that team," said Campos.

The meeting, which lasted four hours, was a tense one. On one side was the police chief explaining why a man armed with a Taser was shot and killed. On the other side were the dead man's friends and supporters who are outraged at the use of deadly force.

We learned the man shot by police did not have a gun, but a Taser. The chief said when officers approached him, he drew the weapon. Suhr was shouted down by the angry crowd.

"This is the actual weapon Mr. Nieto had," said Suhr to the crowd, showing off a Taser.

Suhr says Nieto was carrying a Taser in a holster, which resembles a real gun when compared side by side. He says 911 calls reported a man acting strangely and holding his weapon in the

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park. Responding officers were 75 feet from Nieto when they shouted a command.

"They asked Mr. Nieto to show his hands, to which he responded, 'You need to show your hands.' And then hew dew his firearm," said Suhr.

Witnesses say police fired as many as a dozen shots killing Nieto, but most did not buy the chiefs explanation.

Police say Nieto could not legally carry a weapon because he had a history of mental illness, but friends deny that.

"I hope the truth comes out and I demand that we get an outside investigation into this entire ordeal," said Bac Sierra.

Police say they would welcome that. Friends of Nieto are planning a protest march later this week.

ABC7 News reporter Cornell Barnard contributed to this report.

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TAGS: shooting, SFPD, san francisco news, carolyn tyler

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Man killed by S.F. police was 'inspiration' but had troubles

Vivian Ho
Updated 7:24 am, Tuesday, March 25, 2014

Alejandro Nieto sought refuge on Bernal Hill. When he had a lot on his mind, friends said, he would trek up the steep slope to sit and think, looking over the city he loved.

That's where the 28-year-old student at City College of San Francisco went Friday evening before his shift as a nightclub security guard. That's where police officers found him as they investigated reports of a man with a gun at Bernal Heights Park, acting erratically and threatening passersby.

And that is where he died, after police said he appeared to reach for a weapon - friends and witnesses suggested it was a Taser stun gun - and forced officers to open fire.

Three days after the shooting, Nieto's friends, many of whom called him "Alex," were bewildered Monday, unable to process such a violent death for a man who they say advocated for peace. They held a vigil for him Monday evening at the park.

"We are all shocked in the community," said his friend Benjamin Bac Sierra. "Everyone knew Alejandro. He was such a beautiful, peaceful, loving man."

Restraining order

Friends said the man they knew was a Buddhist who preached compassion - and who carried a stun gun for his job. But some also said Nieto had been out of sorts lately. And one former friend recently filed for a restraining order against him, saying that Nieto attacked him with a Taser.

Police officials said officers encountered Nieto on a pedestrian path on the north slope about 7:10 p.m. Friday. Nieto appeared to draw a weapon, and at least two officers fired at him, police Deputy Chief Lyn Tomioka said Friday.

A weapon was discovered close to his body, Tomioka said, but she did not identify the weapon. On Monday, police remained tight-lipped on the circumstances surrounding the shooting.

One witness, Bernal Heights resident Isaac McGowan, said his wife was warned of a man wearing a holstered gun as she ran up the hill just before the shooting.

"She looked again and he was air boxing," McGowan said. "She ran down the hill away from him and warned everyone walking up."

Another witness, who declined to give his name, said he was walking his dog just after 7 p.m. when the dog came upon a man eating chips. The dog got excited, scaring the man, who jumped on a bench and started acting erratically.

According to the witness, the man pulled out a pistol-type stun gun and pointed it at the dog, leading the witness to call the dog back and yell at the man.

The man then started "flexing," yelling profanities and threatening him, the witness said. The witness said he left the area, went home and called police.

According to San Francisco court records, Nieto's former friend Arthur Vega described a March 5 incident in which Nieto had used a stun gun.

In a March 14 request for a restraining order, Vega said Nieto shocked him four times in the back in front of his wife and 3-year-old son. Vega said he had been picking up his son when Nieto appeared and forced himself into his wife's car.

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Vega said Nieto had screamed profanities. He and his wife got away, but two days later he saw what he believed to be Nieto's car following him.

Possessing stun guns is legal in California for everyone except convicted felons, drug addicts and people who have misused the devices in the past.

Contrasting views

Vega's experience with Nieto stands in contrast to the man some of his friends remember. Nieto appeared depressed and hadn't been acting like himself lately, they said, but was still the caring and civic-minded man he always was.

Nieto was a few credits away from earning an associate's degree in criminal justice from City College, Bac Sierra said. He planned to become a youth counselor, working with troubled children who needed guidance.

He volunteered at the Bernal Heights Neighborhood Center and with Homey, a nonprofit youth empowerment group in the Mission District, and had just finished a stint at a youth guidance center working with youth in juvenile detention.

Jonathan Bonato, 53, met Nieto through his volunteer work teaching Buddhism classes in 2008 and worked with him and the Buddhist organization Soka Gakkai International on setting up the Victory Over Violence exhibit in the Bayview neighborhood.

"He was an encouragement and inspiration to me," Bonato said. "I just never in my wildest imagination connected the story on Friday with Alex."

Friend's concerns

Bac Sierra said he didn't believe Nieto was going through anything that would make him act erratically. But even if he was, "the officers should have had more compassion, more training on how to approach someone," he said.

"I don't know exactly what his state of mind could have been," he said, "but I always knew him as someone who would chant, someone who would go up there and look at the view and reflect. That's all."

Vivian Ho is a San Francisco Chronicle staff writer. E-mail: vho@sfchronicle.com Twitter: @VivianHo

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SFPD to answer questions on fatal shooting of Alejandro Nieto

By *rebecca*
Created *03/25/2014 - 1:53pm*



Ben Bac Sierra, center, grieved with community members at a vigil for Alejandro Nieto, who was killed by police.
GUARDIAN PHOTO BY REBECCA BOWE

San Francisco Police Chief Greg Suhr will be on hand this evening [Tue/25] for a town hall meeting to discuss last week's officer-involved shooting in Bernal Heights Park. The shooting victim, 28-year-old Alejandro Nieto, was a City College of San Francisco student, a Latino, and Bernal Heights resident who had hoped to become a youth probation officer.

Just before sunset last night [Mon/24], a group of about 150 friends, family members,

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and community supporters gathered for a vigil at the spot where he was gunned down by multiple police officers.

The community members lit candles, sang, burned incense, and conducted Buddhist chants in honor of his spiritual practice. Those who knew Nieto, whom they called Alex, described him as caring, ambitious, and committed to nonviolence.

"He was such a bright person," said Ben Bac Sierra, an author and instructor at City College who knew Nieto through shared ties in the neighborhood. Nieto had been helping Bacsierra organize community events and book readings, he said. They'd rolled down Mission Street together in a classic low-rider for a parade, shouting "si se puede!" while onlookers cheered them on.

Torrance Bynum, former dean at City College's Evans and Southeast Center campus and a former instructor of Administration of Justice, described himself to the Bay Guardian as Nieto's mentor. "I would give him rides home from class," he said. Nieto would stop by to visit him, and "if I was in a meeting, he would wait for me." Bynum said he'd phoned Nieto on his birthday just a few weeks ago, March 4.

On Monday night, major questions still lingered about the events leading up to Nieto's death.

A statement issued by the SFPD on March 21, about three hours after the shooting, said officers had arrived at the park in response to "911 calls of a male subject with a gun." Police "encountered a male subject with a weapon," the statement went on. "The male subject pointed a weapon at the officers, and multiple officers discharged their firearms." (In an interview with the San Francisco Chronicle [1], Deputy Police Chief Lyn Tomioka indicated that he "appeared to draw a weapon.") He was pronounced dead, the statement noted, "and an additional weapon was found."

In the days following the shooting, however, friends and family members told reporters that Nieto had a stun gun, not a firearm, because he worked as a security guard at a nightclub. They also said Nieto was peacefully eating a burrito just before the shooting occurred.

According to California Bureau of Security and Investigative Services records [2], Nieto obtained registration to work as a guard/patrolperson in June of 2007, and obtained a permit [3] to carry a baton in September of 2013. Security guards must complete a 40-hour course of required training before registering with the state.

A report [1] in the San Francisco Chronicle suggested that just before the shooting, Nieto was "acting erratically and threatening passersby," quoting an unnamed witness who said

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a man had threatened his dog with a "pistol-type stun gun" and yelled profanities. It also referenced a past incident involving Nieto's alleged use of a stun gun.

A person who declined to be named told the Bay Guardian that about half an hour before the shooting occurred, two men who were walking down the pedestrian pathway on the north slope of Bernal Heights Park alerted a jogger that there was a man ahead wearing a gun on his hip.

They told the jogger that they had called the police. The jogger, who was about 50 feet from the man and started moving away from him after receiving the warning, was too far away to see whether he had a weapon but noticed that he was "pacing back and forth" and "air boxing."

When the Bay Guardian phoned the SFPD to ask what sort of weapon had been discovered, Sgt. Danielle Newman said she could not release that information.

"He was never arrested in his life," Bac Sierra said of Nieto during the vigil. "He wanted to be a good person – and he was."

Bac Sierra later told the Bay Guardian he'd first heard the news Saturday night, and spoke with members of Nieto's family the following day. The family was not notified of what happened until 3pm the day after the shooting, he said. The report was that Nieto had been shot 14 times.

Sup. John Avalos, who represents the Excelsior District, said he had worked with Nieto in the past and knew him from Coleman Advocates for Children & Youth. "I was making sure that his life was going in a positive direction, and what we saw in Alejandro was that he had a really big heart," Avalos said at last night's vigil. "He gave it to a lot of people, and often probably didn't give it enough to himself."

He added, "Blood's been shed, in this case, by people we're supposed to trust. But ... we have a lot of difficulty trusting our police, because from time to time these things happen."

Avalos also mentioned that when it comes to dealing with subjects who are mentally ill, SFPD has an established protocol. Under a program that began in 2011 [4], specially trained officers with the department's Crisis Intervention Team are to be dispatched to the scene when calls involve a mentally ill individual.

At tonight's meeting, Suhr is expected to answer questions from community members. Friends and supporters of Nieto are still in shock from the news.

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"I don't know what it's going to take, but I think all of us here should call on the Office of Citizen Complaints, and make sure they do an investigation," Avalos said. "We need to make sure that the officer who – I really hope, despite all the shots that were fired, are having trouble with their consciences right now. Because taking anybody's life, or hurting anyone in such a way, is unconscionable. This young man, he deserves that from all of us, to make sure the senseless taking of his life was not done in vain, that it leads to something better."

Avalos said he was also there on behalf of Mission District Sup. David Campos, who was unable to attend because he was in a hearing.

The SFPD town hall is scheduled for 6pm at Leonard Flynn Elementary School, located at 3125 Cesar Chavez Street.

Bac Sierra urged everyone gathered at the vigil to attend the town hall meeting. "Those cops have to feel this," he said. "This neighborhood has to feel this."

Rebecca Bowe

Source URL: http://www.sfbg.com/politics/2014/03/25/sfpd-answer-questions-fatal-shooting-alejandro-nieto

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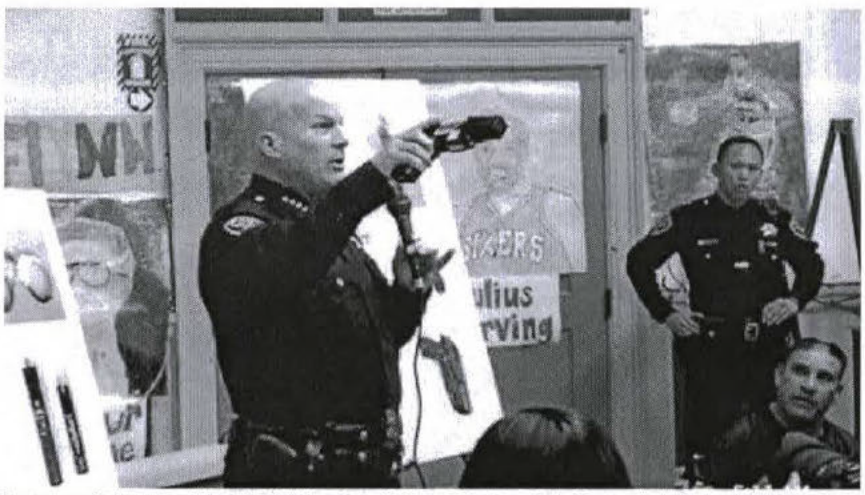
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Tensions Run High At SF Police Town Hall Meeting After Fatal Bernal Heights Shooting

March 26, 2014 5:30 AM

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Tensions ran high at a town hall meeting held by police chief Greg Suhr after a fatal officer involved shooting in SF's Bernal Heights neighborhood. (CBS)

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SAN FRANCISCO (CBS SF) — Tensions were high Tuesday night as the San Francisco police chief attempted to explain what led to the shooting death of a 28-year-old man at the city's Bernal Heights Park last week.

Police Chief Greg Suhr addressed a crowded auditorium at Leonard R. Flynn Elementary School located at 3125 Cesar Chavez St. for a 6 p.m. town hall meeting where family, friends, Bernal Heights residents and others gathered to hear details about the death of Alejandro Nieto.

Nieto, a San Francisco native who lived in the heart of the Bernal Heights neighborhood on Cortland Avenue, was a security guard who attended City College of San Francisco with aspirations of being a probation officer. He was also a practicing Buddhist, according to friends and family members.

His father sat in the front of the auditorium, looking somber with other relatives and close friends, all dressed in dark colors. Other friends wore T-shirts that read, "RIP Alex."

Suhr started speaking and was quickly greeted with shouts from the crowd, calling out "murderer" and other expletives about the police.

The chief tried to bring order to the meeting, saying, "I know people are grieving, people are upset," and called for attendees to treat speakers with respect.

He explained the sequence of events surrounding the shooting. A call came into police at 7:11 p.m.



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Family of man killed by SF police prepares to sue The City, claims the shooting was unjustified

By Jonah Owen Lamb @Jonahowenlamb

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MIKE HENDRICKSON/SPECIAL TO THE S.F. EXAMINER

Benjamin Bac Sierra, a spokesperson for the Nieto family, speaks at a press conference in front of City Hall on Monday.

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Police fatally shot SF man after mistaking Taser for gun

By Jonah Owen Lamb

The family of the man who was fatally shot by officers March 21 took the first steps Monday to filing a lawsuit against The City, as some are calling the Police Department's handling of the case ineffective and opaque.

Alejandro Nieto, 28, a San Francisco resident, was killed in Bernal Heights Park after being asked to show his hands but instead drawing a stun gun that was mistaken for a real gun, according to police.

On the steps of City Hall on Monday, about 30 people held a banner asking for justice as a lawyer for the family announced the claim filing with the City Attorney's Office and called on outside agencies to investigate the incident.

"The version of the story that the police have trotted out, we have concerns and frankly

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skepticism," said Adante Pointer, one of the family's attorneys.

The City has 45 days to respond to the claim, after which the Nieto family can sue for what it says was an unjustified killing.

However, well-known civil-rights attorney John Burris, whose firm is representing the Nietos, said any questions about the incident will never be answered under the current system, therefore the family must sue to find out what really happened.

That system of police oversight, from the Office of Citizen Complaints to the District Attorney's Office, rarely finds police in the wrong, Burris said. Yet at least three recent incidents — a federal indictment of six officers for allegedly violating constitutional rights, a police-involved shooting that ended with a wounded officer and Nieto's death — show they do in fact mess up and even break the laws, he said.

"It's always justified," said Burris of the findings of most investigations into police shootings.

Some of the questions that remain unanswered include how many times Nieto was shot, the names of the officers involved, and why police questioned the Nieto family and searched their home before informing them of Alejandro Nieto's death.

While the Nieto family and Burris are asking the District Attorney's Office and the U.S. Attorney's Office to look into the incident, they have also begun some of their own investigating.

Police have not said how many times Nieto was shot, but an inspection of his body by investigators working for Burris found at least 10 bullet holes, according to the attorney.

Additionally, said Pointer, they have obtained an audio recording of the incident, which seems to indicate that there was a pause between the two volleys fired at Nieto. That pause, said Pointer, could indicate that Nieto was taken down with two or three shots and then fired on again.

Official investigations underway include two within the Police Department and one by the Office of Citizen Complaints.

Nieto's family has set up a website, justice4alexnieto.org, and plans to hold an event dubbed Burritos on Bernal Hill on Monday, the one-month anniversary of his death.

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Crowd demands answers at meeting after S.F. police shooting

Vivian Ho, San Francisco Chronicle
Published 11:09 pm, Tuesday, March 25, 2014

(03-25) 23:08 PDT San Francisco -- Police shot and killed a 28-year-old City College of San Francisco student in San Francisco's Bernal Heights Park when they mistook his black Taser pistol for a gun, San Francisco police Chief Greg Suhr said Tuesday.

But what police did to Alejandro Nieto that night, according to his friends and family, was an unjustified overreaction - and nothing short of murder.

Suhr addressed a packed room of community members at Leonard Flynn Elementary School Tuesday night, addressing Nieto's death for the first time since the Friday shooting on Bernal Hill.

His account of the shooting described a confusing and fluid situation in which officers responding to reports of a man with a gun fired upon Nieto when he reached for the Taser in his holster.

The first call, at about 7:10 p.m., reported that the man with the gun was pacing on the north slope of the hill, Suhr said. Another said he had his hand on his holster as he ate chips.

Officers approached Nieto with that information, "triangulating" around him as is protocol with armed suspects, Suhr said.

They asked him to show his hands, but instead he pulled out his Taser, which automatically displayed a red target laser similar to what is displayed by guns. The officers opened fire.

"They believed he had a firearm," Suhr said. "They fired in defense of their lives."

But friends say Suhr's account of that night doesn't answer why witnesses reported hearing up to 16 shots that could only have been fired by the police. His account, they said, doesn't answer why officers could not differentiate between a gun and Nieto's Taser, which had a distinctive yellow stripe on the side.

Nieto carried a Taser as part of his job as a nightclub security guard, his friends said. The practicing Buddhist who advocated for peace and volunteered at youth community centers had stopped to enjoy a burrito on Bernal Hill before his shift began that night.

Possessing stun guns is legal in California for everyone except convicted felons, drug addicts and people who have misused the devices in the past. Tasers like the one Nieto had shoot two wire probes that deliver an electrical charge, and can reach at most only 15 feet.

The officers shot Nieto from about 75 feet away, Suhr said. He said he did not know how many times Nieto was shot, but that it was multiple times. Benjamin Bac Sierra, Nieto's friend and former English professor, said Nieto's loved ones believed it was 14 times.

"This is a travesty," he said. "He was not bothering anyone. There is no justification whatsoever - whatsoever - for him to be massacred with 14 bullet holes."

His behavior had originally been described as erratic by witnesses, who noted him air-boxing and pointing his Taser at a dog. His supporters decried such reports at the meeting.

"When did it become erratic to eat a lunch at sunset on the hill?" asked his friend Adriana Camarena. "Even the calls - they weren't for a man threatening anyone. Why was he treated as a threat?"

Some of his friends previously said that Nieto was depressed and hadn't been acting like himself lately. A former friend had filed a restraining order against him a few weeks prior for allegedly using his Taser on him four times in front of his wife and son.

But his supporters at the meeting said police were using Nieto's mental health as a way to smear his memory and justify their actions. They said the man who filed the restraining order had actually assaulted Nieto before and that Nieto had also been seeking a restraining

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order against him.

Suhr did not bring up Nieto's mental health except to say that he could not own a gun "for mental health reasons," and that one mention of mental health was enough to outrage the crowd.

Roberto Hernandez, a Mission District community organizer, spoke to the crowd to point out that even if Nieto's mental health was in question, it still did not justify multiple officers shooting at him multiple times. He spoke of his own mental health issues, and how when he was a young man living in the Mission, he and his friends would run up Bernal Hill when their problems became too much and yell and scream their frustration away.

"It hurts that the first thing to come out was that he had mental health problems," Hernandez said. "If that would have been me up on the hill, screaming and yelling, you would have gotten a lot more calls than that."

The police officers who shot Nieto have been placed on paid administrative leave.

Police said the usual protocols following officer-involved shootings will proceed, with internal investigations and a probe by the district attorney's office and the Office of Citizen Complaints. Neighborhood advocates and friends of Nieto's are calling for an external investigation into the shooting.

Vivian Ho is a San Francisco Chronicle staff writer. E-mail: vho@sfchronicle.com Twitter: @VivianHo

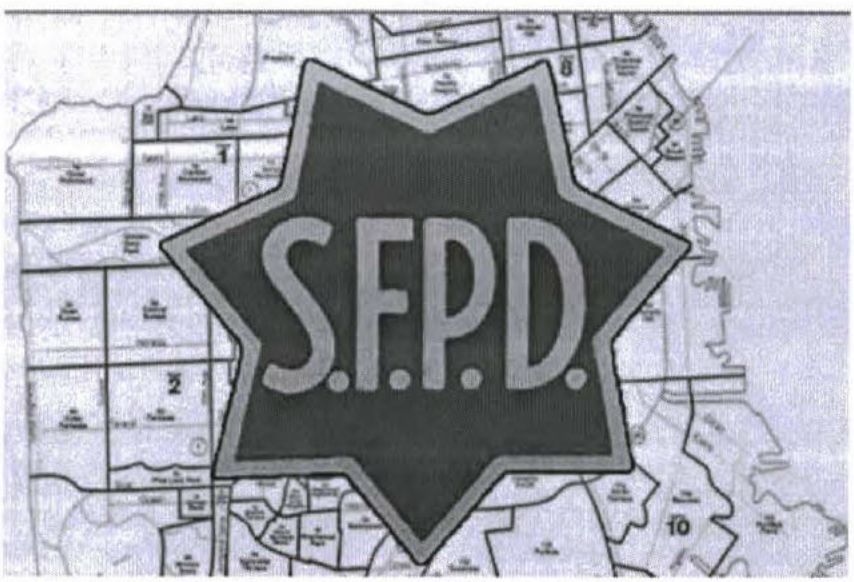
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Medical Examiner Identifies Man Shot And Killed By SFPD

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(http://sfappeal.com/wp-content/uploads/2013/03/policeblotter_sfa.jpg)
A man who was killed in an officer-involved shooting in San Francisco's Bernal Heights

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Park Friday night has been identified as Alejandro Nieto, according to the San Francisco medical examiner's office.

Nieto, a 28-year-old San Francisco man, was fatally shot after officers were called to Bernal Heights Park around 7:10 p.m., according to San Francisco police Sgt. Danielle Newman.

Officers found Nieto allegedly with a gun and when he pointed the weapon toward the officers, and more than one of the officers, fearing for their lives, opened fire, Newman said.

He was pronounced dead at the scene and police found another weapon, Newman said.

A town hall meeting with police Chief Greg Suhr is being organized for Tuesday evening, Newman said this morning.

She said more information would be released about the shooting at the meeting, which will likely be held in the Bernal Heights neighborhood.

Sasha Lekach, Bay City News

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News » Crime & Courts March 26, 2014

Police fatally shot SF man after mistaking Taser for gun

By Jonah Owen Lamb @Jonahowenlamb

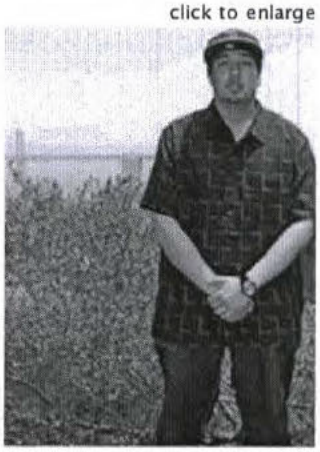
Alejandro Nieto was shot and killed by police Friday night after being asked to show his hands but instead drawing a Taser that was mistaken for a gun, Police Chief Greg Suhr told a volatile crowd Tuesday night.

"He did not have a gun, he had a Taser just like this," said Suhr, pointing to a photo of a black-and-yellow Taser beside him in a packed hall at Leonard Flynn Elementary School.

Amid shouts of "I hope you die, [cops]" from the crowd, Suhr gave a quick but detailed retelling of Nieto's death, explaining first that the 28-year-old was not legally allowed to own a gun because of mental health issues.

Suhr began by reading the log of the 911 caller reporting a man with a black handgun on his hip in Bernal Heights Park at 7:11 p.m. Friday.

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COURTESY JOSE GARCIA

Alejandro Nieto, a 28-year-old San Francisco resident, was shot to death by police on March 21.

Soon afterward, police arrived and, from a distance of about 75 feet, located Nieto, a San Francisco resident.

"They asked him to show his hands," Suhr said. Instead, Nieto told police to show their hands and pointed at them. When officers saw a red

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laser light emanating from what was later identified as a Taser, Suhr said, they thought a gun was pointing at them and opened fire in "defense of their own lives."

When some in the crowd wondered aloud why Nieto had reportedly been hit 14 times, Suhr responded by saying, "We do not know at this point in time how many times Mr. Nieto was hit."

At one point, Suhr held up a Taser like Nieto's for the crowd to see.

"I want to apologize and say I'm sorry for the loss of your son," Suhr told Nieto's father, Refugio, who sat in the front row of the hall.

What followed was a long line of mostly angry speakers, questioning police actions.

Suzanne Cortez questioned how police would not know a Taser when they saw one.

Benjamin Bac Sierra, a spokesman and friend of the Nieto family, asked Suhr a series of questions about the incident, including why police failed to see that Nieto had a Taser and why was there not a cease-fire called.

While the Office of Citizen Complaints, which investigates police involved shootings, was at the scene of the crime after the incident, it cannot begin an investigation until a complaint has been filed, OCC Executive Director Joyce Hicks said. No complaint has been filed.

The case is still under investigation by homicide detectives and the Medical Examiner's Office has yet to issue a cause of death.

More Crime & Courts »

Tags: Crime & Courts, police shooting, Alejandro Nieto, Alejandro Nieto, Police Chief Greg Suhr, Bernal Heights Park, Leonard Flynn Elementary School



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Police provide explanation of Bernal Heights Park shooting at emotional town hall meeting

By *rebecca*
Created *03/26/2014 - 1:44pm*



Sup. David Campos (left) and San Francisco Police Chief Greg Suhr (right) at a Wed/25 town hall meeting about a police shooting.
GUARDIAN PHOTO BY REBECCA BOWE

The San Francisco Police Department held a town hall meeting at Leonard Flynn Elementary school last night [Wed/25] to discuss a March 21 officer-involved shooting that fatally wounded 28-year-old Alejandro Nieto. The meeting drew a large crowd, with members of the community taking turns speaking for several hours to vent their frustration and sadness over Nieto's death.

At the start of the meeting, San Francisco Police Chief Greg Suhr provided an account of the events leading up to Nieto being gunned down by at least four police officers in Bernal Heights Park. Despite earlier reports that he had a gun in a holster on his hip, it was later discovered that Nieto had actually been carrying a Taser, Suhr said. Friends said Nieto had a Taser because he worked as a night club security guard.

The police chief said the encounter started because someone who had seen Nieto inside Bernal Heights Park dialed 911 at about 7:11pm to report that there was a man with "a gun on his hip. A black handgun."

About a minute later, according to a printout from the 911 dispatch that Suhr read out loud, the person who had called 911 provided an update that "the man was pacing back and forth, by a chain-linked fence, near a bench."

After a couple minutes, the 911 dispatch record showed, the reporting party said "the subject is still on scene ... He is eating chips, or sunflowers [sunflower seeds?], but resting his hand on the gun."

Then, "At about 7:15, a sergeant from Ingleside station and another officer go on scene and start a

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search for the area ... At about 7:18 and 49 seconds, that same reporting party – again, who's not a police officer – heard shots fired. The shots ... were fired by the police department."

Within three and a half minutes of arriving to the scene, police had opened fire and shot Nieto multiple times. While friends said he was shot 14 times, Suhr said he did not yet know how many bullets had struck Nieto. Suhr confirmed that the officers who had been involved in the shooting had been placed o paid leave.

"What Mr. Nieto had was, he had a black Taser pistol," Suhr said. "The distance from which the officers engaged Mr. Nieto was about ... 75 feet, up a hill." To illustrate the distance, he said it was about from where he was standing to the back wall of the room. From that distance, he later said, "they could not make out that there was any yellow on the gun."

Suhr went on: "When the officers asked him to show his hands, he drew the Taser from the holster. And these particular Tasers, as soon as they're drawn, they emit a dot. A red dot."

Suhr picked up a Taser and pointed it at the back wall of the room, where a small red dot was visible, to underscore the point.

"When the officers saw the laser sight on them, tracking, they believed it to be a firearm, and they fired at Mr. Nieto," the police chief went on. "He did not survive his injuries." Suhr added that police "believed he had a firearm. They fired in defense of their own lives." In a later interview, he confirmed that officers would not have used lethal force had they known that Nieto possessed a Taser instead of a firearm.

Clearly, some who turned out at the meeting weren't buying the police account.

Ben Bac Sierra, who was friends with Nieto, asked Suhr several questions at the meeting. "What kind of warning did police provide to Alex? Did they have a loudspeaker of some sort? Did officers approach with weapons drawn? Now that you're saying that he pointed the laser at them, then I can imagine that the yellow [Taser markings] were clearly visible. At 7pm it is still daylight outside. So why wouldn't officers know immediately? And why was there no call for cease fire once one of the intelligent, professionally trained officers could tell that that was a Taser? I have witnesses' accounts: Some say 50 bullets were shot at that time."

Others who knew Nieto well were skeptical of the idea that he would have pulled out his Taser in response to being asked to show his hands.

Nieto was one semester away from graduating from City College of San Francisco, where he was studying Administration of Justice with a longterm goal of becoming a youth probation officer. He was mentored by people whose lives were devoted to helping youth who had gone through the criminal justice system to improve their lives. He practiced Buddhism. He had passed a required state exam to become a security guard.

"To me, it doesn't add up," said Carlos Gonzalez, a muralist and youth probation officer who knew Nieto, as he spoke at the town hall meeting. "It just doesn't make sense to me that he would be that dumb to do something like that."

At the meeting, Suhr said Nieto had been barred from possessing a firearm due to a history of mental illness. Some witness accounts in the media described a man who was "pacing," "air boxing," and threatening a dog with a Taser. At the same time, the record suggests dispatchers and police did not consider themselves to be responding to a call involving a mentally ill individual. Asked if members of t department's Crisis Intervention Team, which has officers specifically trained to deal with people experiencing mental illness, had been dispatched to the scene, Suhr told the Bay Guardian, "There was never any indication ... the whole thing unfolded in minutes. It was a man with a gun call."

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Suhr also mentioned during the town hall meeting that Nieto did not have a criminal record, but that a restraining order had been filed against him.

Records show that on March 20, the day before Nieto was killed, San Francisco resident Yajaira Barrera Estrada had requested a restraining order against Nieto. The next day, the request was partly granted and partly denied pending a hearing that had been set for April 11. In her request, Estrada described her relationship with Nieto by saying they "used to be friends." She wrote in the document that an incident had occurred on March 5, in which Nieto had "started to shoot my husband with a Taser gun 3 to 4 times," in front of her son.

Her husband, Arthur Vega, also filed a request for a restraining order [1] against Nieto, on March 14. "Five years ago he use to be a friend of mine but now he has bad blood for me," Vega wrote in that request. He described the same incident, saying Nieto had attacked him with a Taser. His request also noted, "Alejandro also has a restraining order against me," evidently stemming from some previous altercation in which Vega may have been the aggressor.

When we reached Estrada by phone, she declined to discuss the restraining order or the circumstances surrounding it. However she did say this: "Alex was an excellent person. I don't know why the media is writing bad things about him. I don't know why the police shot him. He was an excellent person with me."

Near the end of the meeting, Sup. David Campos issued a public apology to Nieto's father. Then, with Campos translating, Nieto's father explained that he had not learned that Nieto had been shot by police until the day after it happened. "And then when the police investigators came in, the first thing they were asking him was ... about Alejandro," Campos said, translating what Nieto's father was telling him in Spanish. "It wasn't until they had asked all the questions that they actually told them what had happened. And then they wanted to go into his room and search the room, and he said no."

Then police took Nieto's car, Campos added, saying they needed it for an investigation. "And so they're trying to understand why that happened, given that it had nothing to do with what actually took place," Campos noted. Meanwhile, "They haven't said anything to him about when they're going to ... release the body."

Below are some more comments and photographs from the town hall meeting.

> Former Sup. Christina Olague said cops need to understand that people respond to them with fear. pic.twitter.com/GfsDrNLVPf [2]
>
> — Rebecca Bowe (@ByRebeccaBowe) March 26, 2014 [3]
>
> Mission resident Roberto Hernandez suggested marching after an event @ Mission Cultural Center at 2pm/Sat. pic.twitter.com/aFt4kfZvqu [4]
>
> — Rebecca Bowe (@ByRebeccaBowe) March 26, 2014 [5]
>
> Lorena De La Rosa: "Alex died bc somebody had the wrong view of him," asked police "work w/ us to end the violence." pic.twitter.com/BiBMuX2EaG [6]
>
> — Rebecca Bowe (@ByRebeccaBowe) March 26, 2014 [7]

And here are some comments from Blanca Gutierrez and her 10-year-old son, Sebastian, who spoke at hearing:

Rebecca Bowe

Source URL: http://www.sfbg.com/politics/2014/03/26/police-provide-explanation-bernal-heights-park-shooting-emotional-town-hall-meet

Links:
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News » Crime & Courts March 24, 2014

San Francisco man fatally shot by police at Bernal Heights Park

By Jessica Kwong @JessicaGKwong

click to enlarge



Alejandro Nieto identified as man killed in officer-involved shooting.

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Family remembers man shot by police as 'peaceful,' seek answers over death

By Jonah Owen Lamb

Investigation continuing on fatal officer involved shooting

By Bay City News

An armed man shot dead by San Francisco police at Bernal Heights Park Friday night has been identified as Alejandro Nieto, 28, of San Francisco, according to the Medical Examiner's Office.

Officers responded to calls at about 7:10 p.m. of a man with a gun inside the park, police said. Upon arriving, they encountered an armed man who allegedly pointed a gun at them. Multiple officers discharged their firearms and the suspect was pronounced dead at the scene from his injuries, Sgt. Danielle Newman said.

An additional weapon was found at the scene, police said. No other suspects were involved. Police Department homicide investigators,

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the Crime Scene Investigations Unit, the District Attorney's Office and the Office of Citizen Complaints are involved in the investigation.

Nieto's family declined to comment Sunday.

Nieto was a Buddhist and worked at the Bernal Heights Neighborhood Center, according to Jonathan Bonato, who said he knew him since 2008.

"He was a nice young man," Bonato said. "It's a huge shock and surprise to all of us."

Anyone with information on the incident is encouraged to call police at 415-553-1444.

Police are planning a town hall meeting early this week with Police Chief Greg Suhr, who was out of town Friday at the time of the officer-involved shooting.

The most recent officer-involved shooting occurred March 8 in the Mission district, where officers fired at the vehicle of San Francisco resident Jeffrey Ruano, 50, after he allegedly drove at them. Officer Adam Shaw was struck in the shoulder and it remains unknown whether he was shot by his partner or Ruano.

In another officer-involved incident in early February in the Dogpatch neighborhood, an officer shot at a suspect who allegedly stole a Saab and led them on a car chase before abandoning the vehicle.

More Crime & Courts »

Tags: Crime & Courts, Bernal Heights Park, Sgt. Danielle Newman, Medical Examiner's Office, Police Chief Greg Suhr, Officer Adam Shaw



JESSICA KWONG
jkwong@sfexaminer.com
@JessicaGKwong

SFDPA - 0179-14 - 001005

San Francisco News

Man killed by police in Bernal Heights Park park remembered

Monday, March 24, 2014

TAGS: shooting, SFPD, san francisco news, carolyn tyler

EMBED

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SAN FRANCISCO (KGO) -- Monday evening, the friends of a man killed by police in a San Francisco park held a vigil in his memory. Police say they thought Alejandro Nieto had a gun but his friends say it was a Taser.

The 28-year-old was shot to death by police Friday night at Bernal Heights Park after some park goers called 911 saying he was acting strangely and had a gun.

But not everyone was concerned.

"I didn't like the fact the guy had a gun; he wasn't threatening to me, he just seemed like a regular guy, just eating a burrito," Bernal Heights resident Robin Bullard said.

Nieto's family says it was a Taser not a gun and that he carried. It because he worked as a security guard in San Francisco.

But earlier this month a former friend, Arthur Vega filed a restraining order against Nieto, accusing him of attacking him with that Taser, saying, "He used a Taser gun and shoot me four times, two on the lower back, one on the upper back and one on my left shoulder and left forearm." Vega said, "He fired at me five times. You know, so it's like, in my back as well, so it's like, if he's capable of doing that in front of my family, he's capable of doing anything,"

But other friends say Nieto was a peaceful Buddhist just a few credits short of earning an associate's degree in criminal justice and that he volunteered with kids at the youth guidance center and wanted to be a probation officer.

"To have Alejandro shot 14 times by San Francisco police is a grave injustice and we are demanding a thorough investigation," friend Benjamin Bac Sierra said. "The police should be trained to understand the difference between a pistol and a Taser gun."

Police weren't talking Monday, but on Friday night, they said Nieto raised his weapon at them.

"It does appear he drew his weapon, officers responded and shot him," SFPD Deputy Chief Lynn Tomioka said.

Police Chief Greg Suhr will hold a community meeting Tuesday at 6 p.m. to answer questions.

ABC7 News reporter Sergio Quintana contributed to this report.

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TAGS: shooting, SFPD, san francisco news, carolyn tyler

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It is the duty of the San Francisco Police Department Homicide Detail to investigate all deaths in the City and County of San Francisco which are deemed by the County Medical Examiner's Office to be a death at the hands of another or suspicious in nature.

Homicide Inspectors work in conjunction with the District Attorney's Office, the Medical Examiner's Office, and any necessary detail within the San Francisco Police Department, in concerted efforts to effectively and thoroughly investigate all homicides. It is also the responsibility of the Homicide Detail to keep family members apprised and updated on the status of the investigation into their family member's case. This includes updates on suspect information, if any, court information, if any, and any other issues related to the investigation. In many cases, family and community members can be integral to the successful conclusion of the investigation and are always encouraged to keep in contact with the assigned Inspectors.

Case #:

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Inspector #1:

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Direct Line:

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Inspector #2:

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Direct Line:

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Services and programs offered through San Francisco's Office of the District Attorney

Services for the Families of Homicide Victims:
The Victim Services Division of the Office of the District Attorney is committed to serving crime victims, including the surviving families of homicide victims. It is our goal to make the criminal justice system more humane and accessible by providing comprehensive advocacy and support. All services are free of cost to victims. Services include:

- **Funeral and burial assistance:** Funds up to $7,500 can be available to help pay burial and memorial costs.
- **Crisis intervention and grief counseling:** We help families access immediate and on-going counseling, which is crucial for all survivors, especially children, who lose family members to violence.
- **Crime scene cleanup:** This assistance may be available when a homicide takes place in a person's home. Victims who are interested in this service should call our office to obtain further information.
- **Moving assistance/emergency shelter:** Survivors may be eligible for help with expenses to move for their physical safety or well-being.

A wide range of other services are available. If you are a family member of a homicide victim, we urge you to contact the Victim Services Division of the Office of the District Attorney at 415-553-9044.

Witness Relocation Program
In San Francisco, many of the homicides are committed in public places, oftentimes in front of at least one witness, sometimes in front of several witnesses. In many of these cases, witnesses are understandably reluctant to come forward and provide information to the responding police officers and the investigators for fear of retaliation. In some cases, the identity of the suspect may be known to investigators, however without witness testimony, it becomes difficult to prove.

The Witness Relocation Program is a program that can relocate witnesses who assist the District Attorney's Office to successfully prosecute criminal cases. This program is dedicated to helping those who risk their personal safety to help combat crime. We also strongly encourage family members to tell potential witnesses about the Program.

If anyone has any information that would be helpful for investigators, they are strongly urged to notify the San Francisco Police Department Homicide Detail at 415-553-1145, or call us anonymously at 415-575-4444, and all steps will be taken to ensure that potential witnesses will be protected to the best of our abilities.

IMPORTANT CONTACT INFORMATION

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  San Francisco Police Department
  Homicide Detail
  850 Bryant Street, Room 561
  San Francisco, CA, 94103
  415-553-1145

- City & County of San Francisco
  Chief Medical Examiner's Office
  850 Bryant Street
  North Terrace
  San Francisco, CA 94103
  415-553-1694

- City & County of San Francisco
  District Attorney's Office
  Victim Services Division
  850 Bryant Street, 3rd Floor
  San Francisco, CA 94103
  415-553-9044

San Francisco Police Department's Anonymous Tip Line: 415-575-4444

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Chief Medical Examiner's Role

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Funeral services: Once the Medical Examiner has completed a forensic examination, the next order of business is to contact a funeral director of your choice to handle the burial or cremation of your loved one. If you do not know a funeral director, you can find a list in the phone book, on the internet, or you can consult with family and/or friends in your search.

Medical Examiner Report/Death Certificate: Copies of the Medical Examiner's Report are available, once the case is closed, by calling the Office of the Medical Examiner at 415-553-1694. There is a fee for the report. Copies of the death certificate can be obtained by calling the Department of Health Vital Records at 415-554-2700.

Personal property: In any death that comes under the jurisdiction of the Medical Examiner's Office, the M.E. Investigator may take charge of the personal effects until they can be turned over to the next-of-kin or legal representative. Property, other than prescription medications or ammunition, may be turned over to the next-of-kin following the close of the investigation. For property under the jurisdiction of the Medical Examiner's Office, the property custodian can be reached at 415-553-1694. For property under the jurisdiction of the police, contact the Inspector handling the case.

Other helpful telephone numbers

- 24-Hr crisis/suicide hotline: **415-781-0500**
- Critical Intervention & Resolution Team (support after youth violence for the Western Addition): **415-771-3938**
- DPH Response Team (Citywide): **415-970-3800**
- Parents of murdered children: **1-888-818-7662**

Common grief reactions

- Anger
- Disbelief/denial
- Shock & Confusion
- Changes in appetite/sleep
- Guilt/Self-blame
- Sadness/depression
- Anxiety about the future

Coping strategies

- Take deep breaths
- Get proper sleep
- Eat a balanced diet
- Avoid alcohol and or drugs
- Be kind to yourself
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- Ask for help if needed
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Always remember that there is no one common reaction to coping and dealing with stressful situations. Everybody handles stress in a personal way and you should never listen to anyone who says " get over it " or that you should be handling it in a different way. It takes time to heal. In the meantime, please know that there are many people and services in place to help those in need.

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San Francisco Police Department
Homicide Detail

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SFGATE http://www.sfgate.com/bayarea/article/Civil-trial-over-killing-by-SF-police-begins-in-6864365.php

Civil trial over killing by SF police begins in federal court

By Bob Egelko Updated 6:41 pm, Tuesday, March 1, 2016

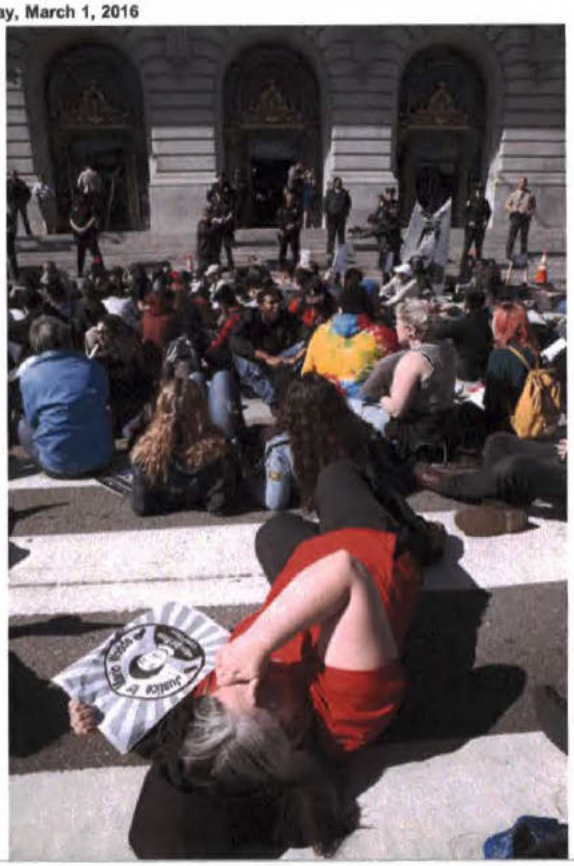


IMAGE 1 OF 17 Buy Pho

Protesters demanding justice for Alex Nieto stage a die-in in front of City Hall in San Francisco, Calif. on Tuesday, March 1, 2016. Jury selection was followed b opening arguments Tuesday in a federal civil ... more

The trial of a lawsuit against San Francisco police over the fatal shooting of a 28-year-old Latino man opened Tuesday with a lawyer for the man's parents telling a federal court jury that Alex Nieto — according to the only independent witness on the scene — was doing nothing suspicious or threatening when officers opened fire.

According to the witness, who was walking his dog in Bernal Heights Park on the evening of March 21, 2014, "Alex's hands were in his pockets," attorney Adante Pointer said in his opening statement. "Mr. Nieto did not have anything in his hands when the officer started firing."

But the city's lawyer, representing the four officers, said the evidence will support their testimony that Nieto took out what appeare to be a handgun — it was actually the Taser stun gun he used as a security guard — and pointed it at them, illuminated by a red lase beam.

"All they knew was that this was a man with a gun who had aimed it at them," Deputy City Attorney Margaret Baumgartner told the jury. "The red laser meant that the gun was aimed directly at them. ... Fearing for their lives, they opened fire."

Experts will testify, Baumgartner said, that the Taser was fired three times during the 30 seconds of Nieto's encounter with police. She also said Nieto's autopsy showed wounds to his hands that he couldn't have suffered if his hands were in his pockets.

An ethnically diverse, eight-member jury was seated for the trial, while demonstrators against police shootings gathered outside the courthouse at 450 Golden Gate Ave. Pointer plans to open his case Wednesday by calling each of the four officers to the witness stand.

On the night of the shooting, Nieto, a City College of San Francisco student and community organizer, was at the park in his Bernal

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Heights neighborhood, watching the sunset and eating a burrito before his work shift began. As Baumgartner described it, police go a 911 call from someone who described a man in a red jacket with a gun at his hip, "acting strangely, making jerky movements. He appeared to be talking to himself and shadow-boxing."

Officer Richard Schiff, a recent Police Academy graduate, and his supervisor, Sgt. Jason Sawyer, drove up minutes later and saw Nieto "marching purposely toward them" with a bulge at his hip, Baumgartner said. They stopped their car 30 yards away, got out and shouted "Show me your hands." the city's lawyer said.

"He said, 'No, show me your hands,' and pulled out a gun aimed directly at them," she said. The officers then opened fire, and Nieto dropped to his knees, then lay down in what appeared to be a "prone tactical position," still pointing the firearm, Baumgartner said. Two more officers, Roger Morse and Nathan Chew, arrived and also fired their handguns.

It was only after Nieto crumpled to the ground and one of the officers kicked the weapon out of his hands that they realized it was a Taser, Baumgartner said.

But Pointer said the independent witness, Antonio Theodore, will testify that Nieto was "coolly and casually walking down this hill" when the officers confronted him.

"Moments later, shots rang out," Pointer said — 59 shots, 14 of which struck Nieto. "No one else corroborates (the police accounts) other than the officers."

Baumgartner countered that Theodore was 75 feet up the hill and "did not have a completely clear view." She said another man who was in the park would testify that Nieto had pointed the weapon at the man and his dog earlier that evening, and "he couldn't tell it was anything but a gun."

Bob Egelko is a San Francisco Chronicle staff writer. Email: begelko@sfchronicle.com Twitter: @egelko

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SFGATE
http://www.sfgate.com/bayarea/article/San-Francisco-officer-in-Alex-Nieto-shooting-6866715.php

San Francisco officer in Alex Nieto shooting: 'I was forced'

By Kale Williams Updated 5:41 pm, Wednesday, March 2, 2016



IMAGE 1 OF 82 Buy Pho

Elvira and Refugio Nieto are introduced in front of the Phillip Burton Federal Building to supporters at a rally demanding justice for their son Alex in San Francisco, Calif. on Tuesday, March 1, 2016. Jury selection and opening arguments were scheduled to get underway Tuesday in a federal civil rights trial against four police officers who shot and killed Alex Nieto in Bernal Heights Park nearly two years ago. less

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One of the four police officers who shot and killed Alejandro "Alex" Nieto in a San Francisco park testified Wednesday that he had no choice but to open fire after Nieto made a threatening comment and pulled a weapon from his hip that resembled a pistol and emitted a red laser beam.

The weapon turned out to be a Taser stun gun that Nieto carried for his job as a security guard, but the officer, Richard Schiff, told jurors that he didn't know that when he fired 13 rounds, then reloaded his pistol and fired 10 more rounds. Schiff sai

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Nieto had pointed the stun gun right at him.

"It was tragic," Schiff said. "But unfortunately I was forced."

Schiff was the first witness in a civil trial at the U.S. District Court in San Francisco, where Nieto's parents are suing the city for alleged wrongful death and civil rights violations over the shooting in March 2014 in Bernal Heights Park. Few police shootings yield a public trial, and so the Nieto case is offering a close-up look at an issue that has polarized the country in recent years.

The four officers were cleared of criminal charges by city prosecutors, but the case ha prompted a series of protests by supporters and friends of Nieto, a 27-year-old City College of San Francisco student.

RELATED STORIES



Civil trial over killing by SF police begins in federal court



Civil trial opening in San Francisco police killing of Alex Nieto



Public points to old wounds at hearing on SFPD

Account disputed

They do not trust the police account that Nieto pulled and pointed the Taser — and were outraged by the officers' firing of 59 rounds at a man who fired none — but city lawyers say evidence will show Nieto not only pulled the Taser but also squeezed the trigger, releasing its dart-like electrodes.

Nieto's parents sat Wednesday in the front row of the court gallery, watchin as their attorney, Adante Pointer, walked Schiff through the evening of March 21, 2014.

Schiff, who had spent about two months on patrol after completing his academy training, testified that he had been parked in a patrol car at a gas station with his training sergeant, Jason Sawyer, who was later promoted to lieutenant. They were going over a stop the two had just made when a radio call said there was a Hispanic

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man at Bernal Heights Park with a gun on his hip.

Schiff said he drove up a path and first caught sight of Nieto when he was roughly 70 to 100 yards away, but was told to move closer by Sawyer.

Upon pulling within 25 to 35 yards of Nieto, Schiff testified, he got out of his car and immediately demanded to see Nieto's hands, at which point Nieto began walking "purposefully" toward the officers and responded, "No, you show me your hands."

"As we got out of car, he took what we call a boxing stance," Schiff said, getting up to show the jury how Nieto allegedly raised his arms to his chest. Schiff said he saw the pointed weapon and the red laser beam before he began shooting, and stopped when Sawyer instructed him to cease fire.

Schiff said he continued to fire even after Nieto went down because Nieto ended up i a "prone position," still facing the officers and appearing to point the Taser.

"His head was still up, the gun was still pointed in my direction," Schiff said under cross-examination by Deputy City Attorney Rebecca Bers. "It's a tactical position, an it was still a threat."

Authorities said two later-arriving officers also fired upon Nieto as he lay on the ground, mistakenly believing he was returning the officers' fire amid the chaos.

Lawyer's question

Pointer asked Schiff if he had seen a muzzle flash, heard a gunshot or seen smoke from what he perceived to be a gun in Nieto's hand. Schiff said he had not, but that it would have been "kind of hard to see when I had a laser pointed at me."

Later Wednesday, Sawyer took the witness stand and also said Nieto had pulled out and pointed the Taser. He said that when he and Schiff started shooting, Nieto did n initially seem to react.

"There's an expectation that if someone is getting shot that there will be some reactio — that they will wince or drop the gun, but there was nothing at all. ... Initially I

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thought he might have a vest, a bulletproof vest," Sawyer said. "We weren't having an success at all, so I picked up my sights and aimed for the head."

Pointer said he will call a witness who was walking his dog in Bernal Heights Park an saw Nieto's hands in his pockets at the time he was shot. City lawyers, who say Nieto had been acting strangely in the park and alarming those around him, believe the witness' account is not credible, in part because the man was too far away.

Kale Williams is a San Francisco Chronicle staff writer. Email: kwilliams@sfchronicle.com Twitter: @SFKale

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SFGATE
http://www.sfgate.com/bayarea/article/911-caller-in-SF-police-shooting-describes-fear-6868954.php

Witness to SF police shooting says victim had hands in pockets

By Kale Williams Updated 6:18 pm, Thursday, March 3, 2016



IMAGE 1 OF 81

A witness to the fatal police shooting of Alejandro "Alex" Nieto in a San Francisco park said Thursday that Nieto had his hands in his jacket pockets when officers opened fire, contradicting the testimony of the officers who said Nieto pointed a Taser at them that they mistook for a gun.

Antonio Theodore took the stand on the third day of a civil trial at the U.S. District Court in San Francisco. Nieto's parents are suing the city for wrongful death, arguing that four officers used excessive force when they fired 59 shots at Nieto on March 21, 2014, at Bernal Heights Park.

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The city says Nieto's pointing of his Taser caused police to mistake the device for a pistol and shoot in self-defense. Nieto, a 27-year-old City College of San Francisco student with a history of erratic behavior, carried the Taser for his job as a security guard, and authorities said that when it was recovered its barb-like electrodes had been released.

Theodore said he went to the park around 6:30 p.m. to jog with his dog and passed Nieto near a bench on the western side. He kept jogging, and upon approaching the gate to the east, observed two police cars. He said he stopped to see what was going o from a trail above the access road — about 115 feet, he estimated, from where the shooting would take place.

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San Francisco officer in Alex Nieto shooting: 'I was forced'



Civil trial over killing by SF police begins in federal court



Civil trial opening in San Francisco police killing of Alex Nieto

He described how one of the patrol cars drove up the road, stopped and then continued toward Nieto, whom Theodore described as walking down the road in a "very calm and casual way." The car pulled up close to Nieto before two officers got out and took positions behind their doors.

"One officer yelled 'stop' — the officer on the driver's side," Theodore testified. "After the 'stop,' he fired the first shot at the man in the red jacket. He then fired another shot. Then a third shot. Then the person fell on their knees, and after a second he got fourth shot and fell on his face."

Theodore said that he could see Nieto and the officers clearly, despite a minor astigmatism, and that Nieto kept his hands in his jacket pockets during the encounter. He said he hadn't spoken with police after the incident because he was scared and didn't trust them; he said even facing the officers in court made him nervous.

SFDPA - 0179-14 - 001019

City attorneys, who did not have a chance to cross-examiner Theodore on Thursday, believe that his story is not credible and that he didn't have a clear view. The officers who first confronted Nieto, Richard Schiff and Lt. Jason Sawyer, testified earlier that Nieto threatened them before pulling the Taser from his hip and pointing it, causing to emit a red laser beam.

"It was tragic," Schiff said. "But unfortunately, I was forced."

Also taking the stand Thursday was Justin Fritz, whose 911 call about a suspicious person drew officers to the park. He said he didn't see the shooting, but heard two volleys of gunfire with a pause in between and had to duck for cover as bullets ripped into trees near him.

Fritz, who had gone to the park to walk his dogs with his partner, said that when he initially passed Nieto, who was next to a bench and appeared to be eating, he didn't notice anything unusual. Minutes later, though, his partner told him he'd seen a gun on Nieto's hip and that Nieto appeared to be practicing drawing it.

Fritz called 911 and was torn between the dispatcher's request that he remain and watch Nieto and his partner's pleas that they flee the park. "All I could keep playing i my head was an active shooter situation like Columbine," Fritz said.

Retreating toward stairs that led to the street, Fritz kept an eye on Nieto while trying to conceal himself. At that point, he said, Nieto didn't appear to be making any wild gestures or talking to himself.

But Fritz lost sight of Nieto, and roughly 45 seconds later, shots rang out — first a volley of what sounded like eight or nine blasts, he said, then a 10-second pause and another volley. Still on the phone with the dispatcher, Fritz took off down the stairs with his partner.

"Oh s—, there's gunfire! There's gunfire!" Fritz can be heard saying on a recording played for the jury. "They're firing at me! Help! Help! Help!"

The account of a pause in gunfire, also described in Theodore's testimony, is likely to be a key area of dispute. Adante Pointer, an attorney for Nieto's parents, argues that i

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was unreasonable that officers would empty their guns and even reload when faced with a subject who did not fire back.

But city attorneys — and prosecutors who cleared the officers of charges — say police faced a threat that appeared to be life-threatening. Two later-arriving officers shot at Nieto after he went to the ground, saying his head and the stun gun were raised.

Earlier Thursday, Officer Nathan Chew, one of the later-arriving officers, testified tha as he entered the park he heard six or seven shots. He said he drove to where Schiff and Sawyer were parked, with their guns trained toward Nieto, who was on the ground in what Chew described as a prone position with an object in his hand that appeared to be a gun that emitted a red laser beam.

Though he couldn't recall hearing any gunfire coming from Nieto, Chew said he shot five times because he feared for his life and that of his fellow officers before he saw Nieto's head drop.

Kale Williams is a San Francisco Chronicle staff writer. Email: kwilliams@sfchronicle.com Twitter: @sfkale

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SFGATE
http://www.sfgate.com/news/bayarea/article/Witness-To-Nieto-Fatal-Shooting-Testifies-Nieto-6869478.php

Witness To Nieto Fatal Shooting Testifies Nieto Kept Hands In Pockets

Bay City News Service Published 8:21 pm, Thursday, March 3, 2016

SAN FRANCISCO (BCN)

A musician who was jogging with his dog in a San Francisco park when a 28-year-old man was fatally shot by police testified in federal court today that he never saw the man point anything at the officers.

Antonio Theodore also testified that Alejandro "Alex" Nieto had his hands in his pockets during the shooting, even after he fell forward onto the ground after the fourth shot. The officers then continued firing, he said.

"It was very shocking," Theodore told a civil jury in the court of U.S. Magistrate Judg Nathanael Cousins in San Francisco in the trial of a wrongful death lawsuit filed by Nieto's parents.

"I didn't mind the first four shots, but the rest was very scary. He was already on the ground...I felt really disturbed by the situation," he said.

Nieto was shot in Bernal Heights Park shortly after 7 p.m. on March 21, 2014, by four officers who were responding to a report of a man with a gun. The officers fired a tota of 59 bullets in 30 seconds, of which at least 10 hit Nieto.

Nieto, who had eaten a burrito in the park, was planning to go to his job as a security guard at a San Francisco nightclub and was carrying a Taser stun gun in a holster.

The officers contend that Nieto pointed the device directly at them and that they thought it was a real gun and their lives were in danger.

The lawsuit by Nieto's parents, Elvira and Refugio Nieto, is based on claims of wrongful death, unconstitutional excessive use of force and loss of familial relationship.

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Theodore, a songwriter and performer, was called to the stand today by Adante Pointer, a lawyer for the parents.

His account contradicted the testimony given by Lt. Jason Sawyer and Officer Richar Schiff to the eight-member jury on Wednesday.

Sawyer, who was a sergeant then, and Schiff were the first officers to encounter Nietc and fired 43 of the gunshots.

The other defendants in the case, Officers Roger Morse and Nathan Chew, had arrive as backup and also participated in the shooting.

Sawyer and Schiff testified that they both shouted, "Show me your hands," at Nieto from 25 to 30 yards away and that he answered, "No, show me your hands," and then pointed what they believed to a gun, with a red laser light used for sighting, at them.

They said they kept shooting even after Nieto was prone on the ground because he continued to point the weapon at them.

Theodore said he heard the officers say "stop" but heard no other words before the shooting started. He said he never saw a red light and never saw Nieto holding an object.

Theodore said he had been jogging with his dog on a trail on a hillside above the access road where the officers encountered Nieto.

Nieto was walking down the road in a "very calm and casual manner," Theodore said.

Even after Nieto fell to the ground after the fourth shot, "His hands were still in his pockets. He wasn't holding anything with his hands," Theodore testified.

Theodore will be cross-examined by city lawyers representing the officers when the trial resumes on Friday.

Deputy City Attorney Margaret Baumgartner said in her opening statement at the tri

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on Tuesday that Theodore "did not have a complete or clear view" from the trail 25 yards up the hillside.

She said the city will present autopsy evidence indicating that Nieto could not have received the wounds shown on his hands if his hands had been in his pockets, and evidence from a Taser expert showing that the stun gun was fired three times at the time of the shooting.

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Witness Testifies Alex Nieto Never Drew Weapon

By Joe Rivano Barros
(http://missionlocal.org/author/joer/)
(http://twitter.com/jrivanob)
Tweet Share
Posted March 3, 2016 6:19 pm

See Mission Local's full coverage of the Alex Nieto shooting here (http://missionlocal.org/tag/alex-nieto/).

Antonio Theodore, who says he was in Bernal Heights Park the day Alex Nieto was shot and killed by four San Francisco police officers, took the stand in a civil trial today and testified that Nieto never took his hands out of his pockets during the incident, contradicting police testimony.

Theodore also said the officers shot Nieto, watched him fall to the ground, and then continued to shoot at him while he was down.

"It was very shocking," Theodore told Adante Pointer, the lawyer for Nieto's parents, during his examination. "I didn't mind the first four [shots], the rest was really very scary to see to watch. He was already on the ground, it was unnecessary to shoot so [many] times."

Four officers are on trial in U.S. District Court in a civil lawsuit brought by Nieto's parents seeking unspecified damages for the wrongful death of their son and for civil rights violations.

In his testimony Thursday, Theodore said that Nieto had his hands in his pockets the entire time and did not make any movements towards his waist. He also said the only command he heard from officers was one "Stop" before they started firing and said he heard nothing from Nieto, a contradiction of police testimony offered on Wednesday (http://missionlocal.org/2016/03/officers-say-they-feared-for-their-lives-in-alex-nieto-shooting/).

"[One officer] fired a first shot at the man in the red jacket," testified Theodore, who was the last witness called to the stand and gave testimony until closing. "He then fired another shot, fired a third shot, the person then fell on their knees, [and] within a second he got a fourth shot and he fell on his face."

Theodore then testified that a 45-second pause followed the fourth shot, when Nieto had already fallen to the ground. At that time, another officer in a parking lot down the hill "was loading up a semiautomatic rifle and he got on the scene [of the shooting] right after the fourth shot, and they all started firing up on the man while he was on the ground."

Margaret Baumgartner, a deputy city attorney representing the four officers, said Nieto suffered wounds that would have been impossible had his hands been in his pockets, an issue that will be explored with expert testimony later in the trial.

Theodore's testimony on Thursday was the first time he has come forward publicly about the case. Theodore spoke to an investigator from the City Attorney's Office previously, he testified, but waited "a year and some months" before coming forward because "I didn't trust [speaking] to the police about that."

His testimony was also markedly different from that given by officers earlier. Three officers have taken the stand so far to testify that they fired at Nieto shortly after exiting their vehicles because Nieto was aiming a gun with a red laser sight at them. One of them said Nieto responded to their commands by shouting "No, you show me *your* hands," and two said Nieto had his hands at his sides before reaching for his weapon.

None mentioned a 45-second delay in between volleys, but two did testify that they reloaded their clips before continuing to fire.

Justin Fritz, the man who called 911 the day of the incident, gave a different version of the shooting earlier Thursday and recounted a pause of 10-15 seconds between volleys of eight or nine shots each, which is more in line with officer testimony.

Adante Pointer, the lawyer for Nieto's parents said he was unaware of any physical evidence of "semiautomatic rifle" casings found on scene. Pointer has thus far only referred to 59 shots fired from the officers' police-issued .40-caliber handguns.

Officers Richard Schiff, Jason Stewart, and Nathan Chew have testified that they, along with a fourth officer who has yet to take the stand, arrived on the scene in two squad cars and stopped some 30 yards from Nieto. The officers say they fired only after Nieto refused to show his hands, reached for his holster, and pulled up what looked like a gun.

The defense team did not examine the witness on Thursday but has previously discounted his testimony. Baumgartner said Tuesday that Theodore could not have accurately seen the incident from where he was standing because it was up a hill and far away.

Theodore testified that he was some 115 feet away from officers when they shot at Nieto and admitted that he has a "mild astigmatism," but said he was able to clearly see Nieto from where he was.

Another revelation Thursday came from the testimony of Fritz, the man who called 911 on Nieto. Fritz said his partner, who was with Fritz at the park walking their dogs, saw Nieto shadowboxing and drawing his Taser near a bench, which prompted Fritz to call the police.

Fritz testified that he saw Nieto pacing and eating from a bag but did not himself see any weapon.

He also testified that when officers arrived at the park and shot at Nieto, Fritz thought the gunfire was heading in his direction and hitting the trees around him.

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"They're firing at me," said Justin Fritz to the dispatch operator that day. Fritz called 911 from a wooded area uphill from Nieto and the police, and a recording of that call was played during Fritz's testimony. "Help, help!"

The operator replied, "All right, stay —"

"Help!" Fritz said, testifying earlier that the bullets were "hitting the eucalyptus trees" around him.

John Cagney, the homicide detective in charge of the Nieto investigation, also took the stand Thursday to address the irregularities in timestamps coming from Nieto's taser.

The defense said during its opening statements that the internal clock of Nieto's stun gun matched the timing of the shots fired by officers — but only after a technician accounted for "clock drift," the tendency of clocks to drift away from "actual time."

Baumgartner, a lawyer representing the officers, called this a common correction on Tuesday but did not say how much clocks usually drift. Nieto's taser was 7 minutes and 24 seconds slow, she said.

Pointer disputed that fact on Thursday and asked Cagney why two different time logs were created regarding the internal clock.

"I don't know if there was one report or two reports or how many reports Taser has in regards to this evidence," Cagney said.

Outside the courthouse, Pointer worried about a "lead investigator [who] didn't know much about this taser" and said the conflicting records raise questions about the integrity of the evidence.

On Friday the medical examiner who performed Nieto's autopsy will take the stand, along with other expert witnesses and possibly Nieto's parents, Refugio and Elvira. The trial is expected to last until Friday of next week.

This story has been updated with additional details since it was first published.

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Police provide explanation of Bernal Heights Park shooting at emotional town hall meeting

By *rebecca*
Created *03/26/2014 - 1:44pm*



Sup. David Campos (left) and San Francisco Police Chief Greg Suhr (right) at a Wed/25 town hall meeting about a police shooting.
GUARDIAN PHOTO BY REBECCA BOWE

The San Francisco Police Department held a town hall meeting at Leonard Flynn Elementary school last night [Wed/25] to discuss a March 21 officer-involved shooting that fatally wounded 28-year-old Alejandro Nieto. The meeting drew a large crowd, with members of the community taking turns speaking for several hours to vent their frustration and sadness over Nieto's death.

At the start of the meeting, San Francisco Police Chief Greg Suhr provided an account of the events leading up to Nieto being gunned down by at least four police officers in Bernal Heights Park. Despite earlier reports that he had a gun in a holster on his hip, it was later discovered that Nieto had actually been carrying a Taser, Suhr said. Friends said Nieto had a Taser because he worked as a night club security guard.

The police chief said the encounter started because someone who had seen Nieto inside Bernal Heights Park dialed 911 at about 7:11pm to report that there was a man with "a gun on his hip. A black handgun."

About a minute later, according to a printout from the 911 dispatch that Suhr read out loud, the person who had called 911 provided an update that "the man was pacing back and forth, by a chain-linked fence, near a bench."

After a couple minutes, the 911 dispatch record showed, the reporting party said "the subject is still on scene ... He is eating chips, or sunflowers [sunflower seeds?], but resting his hand on the gun."

Then, "At about 7:15, a sergeant from Ingleside station and another officer go on scene and start a search

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for the area ... At about 7:18 and 49 seconds, that same reporting party – again, who's not a police officer – heard shots fired. The shots ... were fired by the police department."

Within three and a half minutes of arriving to the scene, police had opened fire and shot Nieto multiple times. While friends said he was shot 14 times, Suhr said he did not yet know how many bullets had struck Nieto. Suhr confirmed that the officers who had been involved in the shooting had been placed on paid leave.

"What Mr. Nieto had was, he had a black Taser pistol," Suhr said. "The distance from which the officers engaged Mr. Nieto was about ... 75 feet, up a hill." To illustrate the distance, he said it was about from where he was standing to the back wall of the room. From that distance, he later said, "they could not make out that there was any yellow on the gun."

Suhr went on: "When the officers asked him to show his hands, he drew the Taser from the holster. And these particular Tasers, as soon as they're drawn, they emit a dot. A red dot."

Suhr picked up a Taser and pointed it at the back wall of the room, where a small red dot was visible, to underscore the point.

"When the officers saw the laser sight on them, tracking, they believed it to be a firearm, and they fired at Mr. Nieto," the police chief went on. "He did not survive his injuries." Suhr added that police "believed he had a firearm. They fired in defense of their own lives." In a later interview, he confirmed that officers would not have used lethal force had they known that Nieto possessed a Taser instead of a firearm.

Clearly, some who turned out at the meeting weren't buying the police account.

Ben Bac Sierra, who was friends with Nieto, asked Suhr several questions at the meeting. "What kind of warning did police provide to Alex? Did they have a loudspeaker of some sort? Did officers approach with weapons drawn? Now that you're saying that he pointed the laser at them, then I can imagine that the yellow [Taser markings] were clearly visible. At 7pm it is still daylight outside. So why wouldn't officers know immediately? And why was there no call for cease fire once one of the intelligent, professionally trained officers could tell that that was a Taser? I have witnesses' accounts: Some say 50 bullets were shot at that time."

Others who knew Nieto well were skeptical of the idea that he would have pulled out his Taser in response to being asked to show his hands.

Nieto was one semester away from graduating from City College of San Francisco, where he was studying Administration of Justice with a longterm goal of becoming a youth probation officer. He was mentored by people whose lives were devoted to helping youth who had gone through the criminal justice system to improve their lives. He practiced Buddhism. He had passed a required state exam to become a security guard.

"To me, it doesn't add up," said Carlos Gonzalez, a muralist and youth probation officer who knew Nieto, as he spoke at the town hall meeting. "It just doesn't make sense to me that he would be that dumb to do something like that."



At the meeting, Suhr said Nieto had been barred from possessing a firearm due to a history of mental illness. Some witness accounts in the media described a man who was "pacing," "air boxing," and threatening a dog with a Taser. At the same time, the record suggests dispatchers and police did not consider themselves to be responding to a call involving a mentally ill individual. Asked if members of the department's Crisis Intervention Team, which has officers specifically trained to deal with people experiencing mental illness, had been dispatched to the scene, Suhr told the Bay Guardian, "There was never any indication ... the whole thing unfolded in minutes. It was a man with a gun call."

Suhr also mentioned during the town hall meeting that Nieto did not have a criminal record, but that a restraining order had been filed against him.

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Records show that on March 20, the day before Nieto was killed, San Francisco resident Yajaira Barrera Estrada had requested a restraining order against Nieto. The next day, the request was partly granted and partly denied pending a hearing that had been set for April 11. In her request, Estrada described her relationship with Nieto by saying they "used to be friends." She wrote in the document that an incident had occurred on March 5, in which Nieto had "started to shoot my husband with a Taser gun 3 to 4 times," in front of her son.

Her husband, Arthur Vega, also filed a request for a restraining order [1] against Nieto, on March 14. "Five years ago he use to be a friend of mine but now he has bad blood for me," Vega wrote in that request. He described the same incident, saying Nieto had attacked him with a Taser. His request also noted, "Alejandro also has a restraining order against me," evidently stemming from some previous altercation in which Vega may have been the aggressor.

When we reached Estrada by phone, she declined to discuss the restraining order or the circumstances surrounding it. However she did say this: "Alex was an excellent person. I don't know why the media is writing bad things about him. I don't know why the police shot him. He was an excellent person with me."

Near the end of the meeting, Sup. David Campos issued a public apology to Nieto's father. Then, with Campos translating, Nieto's father explained that he had not learned that Nieto had been shot by police until the day after it happened. "And then when the police investigators came in, the first thing they were asking him was ... about Alejandro," Campos said, translating what Nieto's father was telling him in Spanish. "It wasn't until they had asked all the questions that they actually told them what had happened. And then they wanted to go into his room and search the room, and he said no."

Then police took Nieto's car, Campos added, saying they needed it for an investigation. "And so they're trying to understand why that happened, given that it had nothing to do with what actually took place," Campos noted. Meanwhile, "They haven't said anything to him about when they're going to ... release the body."

Below are some more comments and photographs from the town hall meeting.

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And here are some comments from Blanca Gutierrez and her 10-year-old son, Sebastian, who spoke at the hearing:

Rebecca Bowe

SFDPA - 0179-14 - 001034

Source URL: http://www.sfbg.com/politics/2014/03/26/police-provide-explanation-bernal-heights-park-shooting-emotional-town-hall-meet

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SFDPA - 0179-14 - 001035

Memorandum

San Francisco Police Department

APPROVED	YES	NO
_____	☐	☐
_____	☐	☐
_____	☐	☐

To: Gregory P. Suhr
Chief of Police
San Francisco Police Department

From: Lieutenant Robert Yick #1264
Commanding Officer
Internal Affairs Division Admin

Date: June 11, 2015

Subject: Officer-Involved Shooting #14-004

MEMBERS:

Lieutenant Jason Sawyer #1127 **(Note: Hereafter, Lt. Sawyer is referred to as "Sergeant," his rank at the time of this incident.)**

Officer Richard Schiff #1968

Officer Roger Morse #1923

Officer Nathan Chew #2088

TYPE OF INVESTIGATION:

Administrative– Officer-Involved Shooting

CASE NUMBER:

OIS 14 004
Case #140 240-512

DATE, TIME AND PLACE OF OCCURRENCE:

March 21, 2014 at 1911 hours
Bernal Heights Park, San Francisco, CA

INVESTIGATOR:

Sergeant Jayme Campbell #759

INCIDENT BRIEF:

On Friday, March 21, 2014, at approximately 1911 dispatch broadcast the call of an "A Priority 221"- person with a gun- in Bernal Heights Park. 3H104, Sergeant Sawyer #1127, and Officer Richard Schiff #1968 advised dispatch they were responding to the call.

The description of the suspect was of a Latin male, 6'1", 200 lbs, wearing a bright red jacket, black pants, and a black handgun on his hip. Further information had come out that he was pacing back and forth by a chain link fence, and resting his hand on the gun.

Sergeant Sawyer and Officer Schiff located the suspect on the north access road inside Bernal Heights Park. Officer Schiff pulled up to within twenty-five to thirty yards of the suspect at which time they exited their patrol vehicle, weapons drawn, and took cover within the A-frame of their vehicle. Both the sergeant and officer gave the suspect commands to show his hands. The suspect took a "Weaver" stance; hands up in the gun ready position, right foot back. As the suspect made this movement, the holster and gun became visible.

Sergeant Sawyer and Officer Schiff continued to give commands to the suspect to show them his hands at which time the suspect replied, "Show me your hands!" The suspect then drew his weapon, equipped with a laser, and pointed it at Sergeant Sawyer and Officer Schiff. Sergeant Sawyer and Officer Schiff both discharged their Department-issued firearms several times at the suspect. The

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suspect then seemingly took a tactical, prone position, with his arms extended out in front of him and his head up.

By this time, 3H15D, Officer Roger Morse #1923 and Officer Nathan Chew #2088, had arrived on the scene with Sergeant Sawyer. Both officers observed the suspect in the prone position, and believed he was engaged in a gun battle with Sergeant Sawyer and Officer Schiff. Believing their lives and the lives of Sergeant Sawyer and Officer Schiff were in danger, both Officers Morse and Chew discharged their Department-issued firearms several times.

Once Sergeant Sawyer believed the threat was over, he yelled, "Cease fire!" The officers approached the suspect, and Officer Morse, who saw that the gun was actually a taser gun, kicked it out of the suspect's hand to render the scene safe. The suspect was then handcuffed and the officers rendered aid until the SFFD Medics arrived.

FOCUS OF INVESTIGATION:

Was the firearm discharge involving Sergeant Jason Sawyer #1127, Officer Richard Schiff #1968, Officer Nathan Chew #2088, and Officer Roger Morse #1923 within Department policy and procedure?

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IDENTIFIED/INVOLVED PARTIES:

Member(s): Lieutenant Jason Sawyer #1127 (then Sergeant)
Ingleside Station Patrol
Date of Entry: [redacted]

Officer Richard Schiff #1968
Ingleside Station Patrol
Date of Entry: [redacted]

Officer Nathan Chew #2088
Ingleside Station Patrol
Date of Entry: [redacted]

Officer Roger Morse #1923
Ingleside Station Patrol
Date of Entry: [redacted]

Witness(es): [redacted]

[redacted]

Suspect: Name: Alejandro Nieto
Sex/Race: Male/ Latin
DOB: [redacted]
Ht. / Wt: 6'0" / 185lbs

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Address of Record: [redacted]

SF#: N/A

CII#: [redacted]

- **No criminal contacts;** [redacted] **Worked as a security guard.**

INVESTIGATIVE CHRONOLOGY:

Refer to Attachment A

INVESTIGATIVE FINDINGS:

The following investigative findings rely substantially upon interviews of involved officers: Sergeant Jason Sawyer #1127, Officer Richard Schiff #1968, Officer Roger Morse #1923, and Officer Nathan Chew #2088; and witnesses, that were conducted by Homicide Detail investigators (handling the criminal investigation memorialized in incident report 140-240-512) and by Internal Affairs Division investigators (handling the administrative investigation of case number OIS 14-004). These findings are based on additional sources of information related to this incident, including the findings of Inspector John Cagney's #341 criminal investigation, the Office of the District Attorney's review, the incident report, written statements by responding officers, physical evidence, CSI reports and analysis, and DEM CAD and audio records.

Incident Overview

On Friday, March 21, 2014, at approximately 1911hrs, dispatch broadcast the call of an "A Priority 221"- person with a gun- in Bernal Heights Park. 3H104,

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Sergeant Sawyer #1127, and Officer Richard Schiff #1968 advised dispatch they were responding to the call.

Sergeant Sawyer, a Field Training Sergeant, was conducting a ride-along with Officer Schiff who was in the Third Phase of his Field Training. Officer Schiff was the driver of their marked SFPD patrol vehicle while Sergeant Sawyer was the front passenger that evening and they were wearing their Class B uniforms. It was a clear yet windy day, and the sun was out providing ample light so the officer was not utilizing any additional lighting from the patrol vehicle or otherwise.

Dispatch broadcasted the description of the suspect, later identified as Alejandro Nieto. The description, provided by a 9-1-1 caller who was in the park with [redacted], was of a Latin male, 6'1", 200 lbs, wearing a bright red jacket, black pants, and a black handgun on his hip. Further information had come out from the same caller that Nieto was eating chips or "sunflowers," pacing back and forth by a chain link fence, and resting his hand on the gun.

After searching the outskirts of the park with negative results, Officer Schiff, who was familiar with the area, maneuvered the patrol vehicle around a gate that led to a north access road into the park. As he drove up the hill and around a curve, he and Sergeant Sawyer observed Nieto, dressed as described by the 9-1-1 caller, walking down the hill towards their patrol vehicle. Officer Schiff pulled up to within twenty-five to thirty yards of Nieto. Officer Schiff and Sergeant Sawyer started to exit their vehicle. Per Officer Schiff, as he started to open his vehicle door, Nieto had raised his arms a little and he could see a black holster on Nieto's right hip. According to Officer Schiff, "It was black- it looked like a big plastic holster with a 221 weapon, a firearm." It was at that point when Officer

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Schiff believed Nieto had a firearm. Officer Schiff subsequently drew his Department-issued firearm and pointed it at Nieto while giving him commands to show his hands.

Sergeant Sawyer stated that as they were coming up the hill, he could see Nieto doing exactly what the caller had stated; walking and eating a bag of chips. He said Nieto "fit the description exactly as the caller put out," and he could see a bulge on the right side of Nieto but his sweatshirt was covering it. Sergeant Sawyer stated that Nieto appeared to be oriented, not out of breath, or erratic, and he was walking with a "normal gait." He said when they got to a distance that he felt was appropriate to contact Nieto and still utilize the patrol vehicle as cover, he told Officer Schiff to stop. He exited the vehicle with his Department-issued firearm drawn, and used the right pillar of the door frame as cover while Officer Schiff used the left pillar. Sergeant Sawyer said he gave Nieto several commands to show his hands.

As Sergeant Sawyer and Officer Schiff yelled out the commands to show his hands, Nieto took a "Weaver" stance; hands in front of him, above waist level and "in the gun ready position," with his right foot back. As Nieto made this movement, in one smooth motion, he lifted the right side of his sweatshirt, pulled the weapon from the holster, pointed it at the officers, and said to them, "Let me see your hands!"(per Sergeant Sawyer) or "Show me your hands!" (per Officer Schiff).

Both officers saw a red laser sight emitting from Nieto's weapon directed at them. Fearing they were about to be shot and killed, both Sergeant Sawyer and Officer Schiff discharged their Department-issued firearms several times at Nieto. Nieto, kept his arms extended in front of him with the weapon still

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pointed at the officers. He first dropped to his knees, and then went onto his stomach, seemingly taking a tactical, prone position. In this position, Nieto kept his arms extended out in front of him, weapon in his hands, and pointing at Sergeant Sawyer and Officer Schiff. Nieto's head was still up causing the officers to believe he was still firing at them.

Officer Schiff stated in his Homicide interview,

> I told him [Nieto] to show me his hands. He didn't comply. He yelled back at me at which point when I saw his shirt lift and I could see it I told him I see- I tried to tell him I see the gun, he's already gone for it. He drew it and once he drew it at that point I knew that if I had not fired I could possibly be dead within the next few seconds.

Sergeant Sawyer explained in his Homicide interview,

> We're in full uniform, it's easy to identify us, marked police vehicle right with us. It's completely obvious who we are. At that point because he had spoken English to us I know it wasn't a language barrier, it did not seem he had some type of hearing issue, any type of mental illness that would cause me to think it was anything other than a man coming at us with a gun, with a gun pointed- it was not in a low ready position, it wasn't pointed at the sky. It was pointed directly at us. I thought he was going to shoot, fire and shoot me or my partner. There was no question in my mind that this guy had bad intentions and I fired to protect myself and to protect my partner.

While Sergeant Sawyer and Officer Schiff were engaged in gun fire with Nieto, 3H15D, Officer Roger Morse #1923 and Officer Nathan Chew #2088, had arrived on the scene in their marked, SFPD Patrol vehicle. Officer Morse was the driver

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of the vehicle with Officer Chew as the front passenger, and they were both wearing their Class B uniforms.

Officer Morse said as they were driving to the scene, he kept hearing the updates of the suspect's location. Being familiar with Bernal Heights Park, he was also aware of the gate leading to the north access road into the park. Just before maneuvering the vehicle through the gate, he heard, who he believed to be, Sergeant Sawyer state over the radio that they had Nieto in sight. As Officer Morse began to make his way to Sergeant Sawyer and Officer Schiff's location through the gate, he could hear shots being fired.

When Officers Morse and Chew first observed Sergeant Sawyer and Officer Schiff's patrol vehicle, they were coming up from the rear of it. They could see the passenger officer ducked down behind the passenger door. Officer Morse stopped his patrol vehicle behind and to the right of Sergeant Sawyer's vehicle. Believing Nieto was engaged in a gun battle with Sergeant Sawyer and Officer Schiff, Officer Chew and Officer Morse exited their patrol vehicle. Officer Morse took up a position next to Officer Schiff while Officer Chew stayed on the passenger side of his own vehicle. Believing they too were about to be shot and killed along with Sergeant Sawyer and Officer Schiff, they discharged their Department-issued firearms several times.

In Officer Morse's Homicide interview he explained,

> They're a little bit in front of me when I stopped the car. And then in front of them, I couldn't tell you the distance but, I could see the suspect who matches the description in the CAD proned out with his arms in front of him, and he's holding a gun, and I just hear popping sounds, and I see flashes and his hands are going like this

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> [indicates recoil from firing a weapon] and I look at the passenger who's still ducked down. I can't see who the driver is. I throw [the vehicle] in park, run around, still popping noises, [Nieto's] hands are still going like this [indicates outstretched in front of him] and so I don't know exactly what point I drew my firearm but eventually I drew it, drew down on the subject, start firing at him.

Officer Chew explained that just before they got through the north access gate, he could see Nieto, with a red jacket on, standing in the middle of the road. As they started up the access road, he lost sight of Nieto. They passed several officers who were running up the hill on foot. Officer Chew said he then heard five or six shots fired but did not know who was doing the shooting. He then heard Sergeant Sawyer come up on the air and broadcast that they had an officer involved shooting.

Officer Chew said Officer Morse pulled the patrol vehicle up behind Sergeant Sawyer's vehicle and he could see Sergeant Sawyer on the passenger side, gun drawn, pointing at Nieto. Officer Chew stated:

> The suspect [Nieto] is now in a prone position pointing what looked like a firearm, a dark firearm with a laser pointer on it. When I exited the vehicle I could see that laser part kind of glint across my eyes so I shifted to the right believing that he was trying to fire at one of us. I fired my gun in an attempt to stop the threat.

Once Sergeant Sawyer believed the threat was over he yelled, "Cease fire!" None of the officers continued firing after hearing that order, despite Officer Schiff and Officer Morse believing a threat was still present. Officer Chew stated that he stopped firing after he saw Nieto's head drop and the weapon get pulled in towards his body.

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Per Sergeant Sawyer's direction, the officers approached Nieto, with weapons still drawn, to assess the scene. As they approached, they gave Nieto commands to not move. Nieto still had the weapon in both of his hands. When Officer Morse got close enough, he kicked the weapon out of Nieto's hands to minimize any threat. It was not until the officers had made this approach that any of them recognized the weapon to be a Taser.

Officer Chew handcuffed Nieto while Officer Schiff checked for any vital signs. He did not feel a pulse present. Sergeant Sawyer requested an ambulance "Code 3" (Emergency). Officers attempted to render aid until the SFFD Medics arrived.

SFFD Medic 89 and SFFD Engine 11 arrived on scene. Shortly thereafter, SFFD Rescue Captain 3, Pung, arrived and announced Nieto deceased at 1928 hours.

Computer Assisted Dispatch (DEM) Records and Recordings

Certified copies of all Computer Aided Dispatch (CAD) records and the certified audio recordings were obtained from the Department of Emergency Management (DEM) and included with this report. The following noteworthy broadcasts and CAD entries provide a sequence of events and approximate timeframe for the incident.

- Timeline of Significant Events

  (Based on official DEM audio and CAD records)

  - **9-1-1 Recorded Call**

  19:09:33 *CHP transfers 9-1-1 call to SFPD Dispatch*

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19:10:00-:20	SF Dispatcher gains information from 9-1-1 caller
19:10:40	9-1-1 caller gives dispatch susp. Descript.

- **Radio Traffic/ CAD: "A priority 221"**

19:11:47	Dispatch broadcasts the call.
19:12:16 (3H104)	"H104 responding."

**** 8 additional units showed responding as back-up in CAD**

19:12:40 (Dispatch)	Further info re: suspect.
19:12:46 (Dispatch)	Male is pacing back & forth by a chain link fence
19:14:16 (Dispatch)	Subj is still 97 (on-scene)… per RP he is eating chips or sunflowers but resting his hand on the gun.
19:15:53- :18:05	*communication betw. 3H104 and disp. re: the unit's location and suspect location in park.
19:18:14 (3H104)	Indicates there is a guy with a red shirt walking towards them.
19:18:18 (3H104)	"I got a guy right here"
19:18:40 (3H104)	"Code 33! Code 33! We got…"
19:18:42 (3H104)	"Shots fired! Shots fired!"
19:19:00 (3H104)	"Officer involved shooting. 408 Code 3"
19:19:40 (3H104)	"Making contact now"

***Approximately 28 seconds elapsed between the time 3H104 indicates having sight of Nieto and the time they broadcasted shots were fired.**

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Crime Scene Investigations/Laboratory Examination

Crime Scene Investigations responded to the scene located on the north access road in Bernal Heights Park. Evidence was seized and photos and crime scene video taken. Members of the Traffic Collision Investigation Unit also responded to map and diagram the scene. A written report was submitted and attached to this investigation.

CSI logged several evidentiary items from the incident including, but not limited to, the following:

- Forty-eight (48) .40 caliber casing located at scene.
- Three (3) SIG SAUER/ P226/ .40 caliber magazines.
- One "Taser International" Taser- including two Taser pins connected to wire.
- Handcuffs from Nieto's left, rear, pants pocket.
- (2) Pepper spray canisters (Not SFPD issued).
- Four (4) Department-issued firearms of involved officers-(Sig Sauer P226)
- "Taser International" Taser holster on Nieto's belt from the Medical Examiner.
- Bullets and fragments recovered by the Medial Examiner.

The following information was gathered from the Criminalistics Laboratory Report:

Standard firearms examinations were performed on each of the four collected Sig Sauer P226's (serial #'s [redacted]) in accordance with the standard operating procedures of the Firearm and Toolmark Unit. Each of the four pistols were examined separately and found to be functional using a

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magazine submitted with it. The trigger pulls were determined to be within the manufacturer's specifications for each firearm.

Criminal Investigation

The Homicide Detail of the San Francisco Police Department was notified of the Officer Involved Shooting and a criminal investigation into the incident was initiated. Homicide Inspectors John Cagney #341, and Carl Bonner #1099, and Sergeant John Burke #2240 responded to the scene, as well as Captain Jason Fox #788.

Inspector Cagney, Inspector Bonner, and Sergeant Burke conducted interviews of the involved members, and witnesses as part of their criminal investigation. The interviews were voluntary and each of the involved members were represented by POA Attorney Harry Stern.

Homicide Interview summaries:

Witnesses:

Civilian Witness [redacted] (9-1-1 caller)

[redacted] told the investigator he had taken his dogs to Bernal Heights with his [redacted]. They parked their vehicle on Bonview St. [the northwest side of the park] and walked around. As they were coming back "down" they walked past Nieto, within 20 feet of him.

As they got approximately 100 feet past Nieto, [redacted] informed [redacted] that he saw Nieto had a gun on his hip. [redacted] explained to him that the gun was holstered on the side of his belt and that he kept touching it in a "weird" way. [redacted] said after that, he and [redacted] saw to separate ladies jogging towards Nieto's direction and warned them to turn around because they believed Nieto had a gun.

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[redacted] said he and [redacted] walked down some steps that led to where their car was parked, and when they went down far enough to remain at eye level with the street yet still able to see Nieto, that was when [redacted] spoke to 9-1-1 Dispatch.

[redacted] described where Nieto was standing and explained that Nieto was eating chips and moving in a two or three foot circle, not really looking at anything, and, "just kind of loitering in a weird way." [redacted] explained that Nieto looked oriented; like he was waiting for something- not going anywhere and not there to watch the sunset.

[redacted] stated that while he was on the phone, Nieto started to walk their way; down the hill towards the gate. [redacted] said he and [redacted] did not want Nieto to see them so they walked further down the steps and lost sight of Nieto.

Dispatch asked [redacted] to go back up the steps a little ways to see where Nieto had gone. When [redacted] went up, he heard the gunshots and believed the shots were going right over his and [redacted]s heads. They ran down the hill to their car and got behind it. [redacted] said he thought Nieto may have recognized he was calling someone on him and was therefore shooting at him, but could not tell for sure.

[redacted] said he did not see the "shootout." He did see an unmarked police car go by them with its red and blue lights on, and did hear sirens. Before the shots were fired, he did not hear any yelling or commotion of any type. (He later explained he thought he may have been too far away to hear any commands because they were walking down the steps.) [redacted] went on to explain that there were some shots, then a pause, then more shots, and:

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> [I]t lasted for maybe 20 seconds, 30 seconds; enough that it felt legitimate that this guy [Nieto] could be looking at me and shooting at me.

[redacted] said after the shooting stopped, the Dispatcher told them to stay where they were so the police could talk to them. [redacted] and [redacted] decided to get in their car and move somewhere else for the police to meet them.

[redacted] described Nieto has approximately 6'1 to 6'2, weighing approximately 220 to 225 lbs; late 20's to early 30's. He said Nieto was wearing a red wind breaker, and black pants, but could not see a shirt. [redacted] said nothing about Nieto's demeanor stood out except that he was "just standing there looking 'sketchy', waiting in one spot, not with any purpose."

The investigator asked [redacted] if he would have noticed Nieto if [redacted] had not said anything to him. [redacted] said he did not take a second look until [redacted] said something. [redacted] said another guy had walked near them after [redacted] pointed out the gun and they asked him if he saw what they had seen and he said he did.

Civilian Witness [redacted]

[redacted] said he was walking his dogs in Bernal at approximately 6:30pm. They walked clockwise, up on the west side going northbound when they passed a man [Nieto] who was wearing a bright red jacket, black pants, and had a holster on his right side with a pistol in it. [redacted] said Nieto kept pulling his jacket up and showing the pistol, then he would put his hand on the pistol.

[redacted] said he waited a bit until they passed Nieto and then he told [redacted] "That man has a gun." [redacted] affirmed to [redacted] that he should call the police. After they

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got approximately 100 to 150 yards past, they saw people coming up the hill but told them to turn back around because of the guy with the gun.

[redacted] said they started walking back to the car while talking to Dispatch and stepped down the hillside until they were eye level to the street. [redacted] said Nieto kept going through a chain link fence, then he would pop back out and shadow box for a bit.

While they were standing down the hillside, they saw another man come by and [redacted] asked him if he saw Nieto and the other guy confirmed he did and told him it was weird and that he should not have "it" out like that. [redacted] said he told this other man that they were talking to 9-1-1.

[redacted] said Nieto started walking towards their direction so they started to walk towards their car. As they were walking away, he heard shots fired and saw things "flying around." [redacted] said he believed Nieto was firing at them or that someone was firing at Nieto. He explained that he:

> [B]elieved he [Nieto] was shooting at us because I could hear the bullets hitting around us.

[redacted] said he got the sense that Nieto was coming after them down the hill because their heads were poking up the hill and they were on the phone.

[redacted] did not hear any screaming or hollering, but he started yelling at [redacted] to get down.

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[redacted] said they stayed on the phone with 9-1-1 and once the shooting stopped, the Dispatcher told them that "they got the guy." [redacted] said he got into his car and picked up [redacted] who had walked to Folsom St. to meet with the police.

When asked by the Inspector of Nieto's demeanor, [redacted] said Nieto was not threatening but rather "in his own world." He said Nieto would look down, then look off, then shadow box and that he only looked sort of crazy in that he was shadow boxing. Nieto never said anything to them.

When asked to describe Nieto, [redacted] said he was not skinny, and only remembers thinking Nieto was Hispanic, middle aged, stocky build, and wearing some sort of hat.

When asked to describe the gun, [redacted] said it was not "Western looking," but more like a cop's- rectangle handle. He said he did not remember what color the gun was but said it was not white, silver, or chrome.

[redacted] said he never saw the police arrive but he did hear sirens and he did see a gray cop car with lights.

Involved Members:

Officer Richard Schiff #1968

Inspector John Cagney and Inspector Carl Bonner conducted the interview with Officer Schiff who was represented by POA Attorney Harry Stern.

In Officer Schiff's voluntary statement he explained he was on a ride-along with his Field Training Sergeant, Sergeant Sawyer during the time of the incident.

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They were on Mission St. completing a traffic citation when the call came out of an "A priority 221 call [person with a gun] on Bernal Heights." Further description indicated the subject [Nieto] was on the northern side of the park.

Officer Schiff, who was the driver of the marked patrol vehicle, drove to the area in an attempt to locate Nieto. While en-route, Sergeant Sawyer was going over tactics with him regarding what to look for once on scene. Officer Schiff said he drove to the southern side of the park thinking he could gain access but the road was blocked. Officer Schiff said he continued eastbound on the south side of the park until he got to a north access road that had a gate.

Officer Schiff, unsure of Nieto's exact location, drove around the gate and onto the ascending north access road. He said as he was driving up, he was looking for a Latin male adult wearing a red jacket. He observed a gentleman on the right side of their vehicle as they were going up the hill who passed them but he did not match the description given. Officer Schiff said as they started to come around a curve, he saw a "flash" of something red and then saw Nieto emerge from around the corner. Nieto was walking towards them and Officer Schiff got to a point where he stopped the vehicle, however Sergeant Sawyer advised him to pull up a little closer to get a good view of Nieto.

Officer Schiff put the patrol vehicle in park and started to exit the vehicle. As he was doing this, he said he saw Nieto raise his arms slightly and that was when he first saw the black holster on Nieto's right hip. He said, "It looked like a big plastic holster with a 211 weapon, a firearm. Officer Schiff said,

> At the point that I saw that, I drew my weapon obviously in fear that he had a weapon. I pointed it at him. I told him to show us your hands as well as I heard my Sergeant yelling to him to show us your

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> hands. At which point he looked directly at us, made eye contact with me, and then said- and this is about from 25 to 30 yards- he said, 'Show me your hands.'
>
> Then he made a motion down, turned, drew the weapon and at that point I began firing. Sergeant Sawyer also was firing, I know that for sure.

Officer Schiff continued to describe the encounter and said that his weapon ran out of bullets so he made a magazine change. He then reengaged Nieto who was standing most of the time. Officer Schiff said:

> At one point though he- I wasn't sure if he fell or not, but he went down and laid flat on the ground in what would look like a tactical position.
>
> I could see a red light coming from whatever the firearm was that he had pointing straight at us which to me meant he may have had a laser on that. I continued to fire back until I heard my Sergeant say all right, cease fire, cease fire.

Officer Schiff said after they stopped firing, he saw two officers come up. Sergeant Sawyer then gave the command for all of them to advance on Nieto. Officer Schiff conducted a tactical reload in which he dropped the magazine from his weapon and inserted a fresh, full one. As they got close, Officer Schiff said he saw Officer Morse kick the firearm out of Nieto's hands. Officer Schiff said as they got closer, the weapon looked like it could have been a Taser that Nieto had pulled on them.

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Officer Schiff was not sure who handcuffed and searched Nieto, but he did see what looked like a mace can laying on the ground. He said he rolled Nieto over to make sure he did not have any additional weapons, and then checked for a pulse. He said he did not feel a pulse.

Officer Schiff explained that other officers had come to secure the area by then and he and the other involved officers were immediately removed from the scene.

Upon answering follow-up questions by the Inspector, Officer Schiff gave a few more details and clarifications regarding the incident. Per Officer Schiff:

- Nieto never said anything outside of the initial, "Show me your hands."
- The lighting was very good; the sun was still up and it was behind Nieto, so it was illuminating the officers who were in their Class B's, and their marked Police vehicles.
- Nieto's movements with the weapon caused Officer Schiff to believe Nieto possibly had prior military experience or some background with firearms.
- Officer Schiff explained what he meant by Nieto "taking a tactical position" as trying to lower himself to the ground to make himself less of a target.
- Officer Schiff only stopped firing due to Sergeant Sawyer's command to cease fire. Officer Schiff still believed Nieto was a threat due to the position he was laying in.
- Nieto's red jacket and proximity to the Mission District caused Officer Schiff concern that Nieto may be in a street gang.

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Sergeant Jason Sawyer #1127

Inspector John Cagney and Sergeant John Burke conducted the interview with Sergeant Sawyer who was represented by POA Attorney Harry Stern.

In his voluntary statement Sergeant Sawyer explained that he was working as the 3H104 that evening, conducting a ride-along with Officer Schiff. He was wearing his Class B uniform and was the passenger in their patrol vehicle.

After just completing a traffic citation, he heard Dispatch broadcast the call of a man with a gun and a distinct description was given; Hispanic male, six-feet tall, 220 lbs, wearing a red sweatshirt, black pants, with a gun on his waist. They were in the area and began a response.

While en-route, Sergeant Sawyer went over some "table-top" exercises with Officer Schiff about what to expect and what to look for once they got on scene. Sergeant Sawyer advised Officer Schiff to start looking immediately at the suspect for weapons, and to think about where to take cover if necessary.

When they first got to the park, they did not see anyone. Once they got further direction, Officer Schiff drove into the park from an access road. It was on this access road that they encountered Nieto. Sergeant Sawyer said he told Officer Schiff to stop the vehicle at a distance he felt was appropriate to remain safe, yet still have a clear view of Nieto. Once Officer Schiff stopped the patrol vehicle, Sergeant Sawyer opened his door and took cover behind the passenger side door pillar. He observed Officer Schiff take cover behind the driver side pillar.

While they were in this position, Nieto advanced towards them. He matched the description he heard over the radio and appeared to be holding a bag of chips.

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Sergeant Sawyer said he yelled at Nieto to let him see his hands several times. Nieto threw the bag of chips to the ground, lifted up the right side of his sweatshirt, exposing the holster of the weapon, then said to the officers, "Let me see your hands." Nieto continued to advance on them as he did this, and pulled out the gun from the holster on his right side. Sergeant Sawyer said as Nieto began to raise the gun, he could see a red laser sight emanating from the gun as he pointed it directly at him and Officer Schiff.

Sergeant Sawyer said he fired his weapon at Nieto in the midst of yelling at Nieto, "Police!" and "Drop the weapon!" Shortly after Sergeant Sawyer began firing at Nieto, Nieto fell to his knees and appeared to prone himself out onto the ground. Nieto's weapon was still pointed at him and Officer Schiff, and his head was still up. Sergeant Sawyer continued to fire at Nieto until the point when Nieto appeared to "go limp." Nieto's head went down and the gun went down.

Sergeant Sawyer said he yelled for a cease fire then coordinated a plan to approach Nieto to check on his condition. By this time, Sergeant Sawyer knew that Officer Morse and Officer Chew had come on scene, and the four of them made an approach.

Sergeant Sawyer and the three other officers approached Nieto, while still giving Nieto commands to keep his hands where they could see them. One of the officers kicked the gun out of Nieto's hands. Sergeant Sawyer broadcasted over the air that there had been an Officer Involved Shooting and that they needed an ambulance. He said they turned Nieto over and it appeared he was still breathing. They started to render aid and Nieto appeared to go out of consciousness.

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Other units arrived on scene and took over. Sergeant Sawyer said he determined who fired their weapons, and gave a Public Safety Statement to Sergeant Riskin. Sergeant Sawyer said he and the other officers were separated, taken back to the station and monitored.

Later in his interview, Sergeant Sawyer explained that he had been in many critical incidents involving armed suspects but what stood out the most to him in this incident was that the suspect was described as having the gun holstered on his hip. He explained that in most cases, the suspect is described as either having the gun in his hand, waving it around, or in his waistband, and either there is merit or not. But in this case, hearing the detail of the holster was a rarity and was what caused him to discuss tactics with Officer Schiff. Sergeant Sawyer said as soon as Nieto came into his view, he could see a very clear bulge on his right hip, under his sweatshirt.

Sergeant Sawyer said they did not utilize their lights and siren while en route as it did not necessarily call for a "Code-3" response. He also said that the time of day was such that they did not need to utilize their headlights or spotlights to see Nieto. The sun was still pretty high in the sky, and it was behind Nieto, illuminating them and their marked police vehicle. They stopped approximately 25 to 30 yards away from Nieto.

Sergeant Sawyer explained that when he exited his vehicle to take cover and give Nieto commands, Nieto did not stop walking towards them or even seem to "reflect on" those commands.

Nieto's movements were very fluid as he drew the weapon from its holster and pointed it at him and Officer Schiff. Nieto got into a "Weaver stance"- his two

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feet and shoulders were squared towards them with the gun in both hands and pointed at them.

When asked by Inspector Cagney what his state of mind was when he saw Nieto make this movement and statement, Sergeant Sawyer said,

> We're in full uniform, it's easy to identify us, marked police vehicle right with us. It's completely obvious who we are. At that point because he had spoke English to us I know it wasn't a language barrier, it did not seem that he had some type of hearing issue, any type of mental illness that would cause me to think it was anything other than a man coming at us with a gun, with a gun pointed- it was not in a low ready position, it wasn't pointed at the sky. It was pointed directly at us. I thought he was going to shoot, fire and shoot me or shoot my partner. There was no question in my mind that this guy had bad intentions and I fired to protect myself and to protect my partner.

Officer Roger Morse #1923

Inspector Carl Bonner and Inspector Cagney conducted the interview with Officer Morse who was represented by POA Attorney Harry Stern.

In Officer Morse's voluntary statement he said on the day of this incident he was working as the 3H15D along with a partner, Officer Chew. He was wearing his Class B uniform and was the driver of their marked patrol vehicle.

The call came out regarding a man with a gun on his hip, and wearing red, in Bernal Heights. He drove to the area but not in a "Code-3" manner. While en-route, dispatch gave updates on the suspect's location and what he was doing.

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Officer Morse explained that he was familiar with Bernal Heights Park and knew that he could gain access into the park via a north access road. Before getting through the gate, he heard Sergeant Sawyer come over the radio and state that they could see the suspect. Once Officer Morse got through the gate to the access road, he heard shots fired. He drove up the road passed several officers who were walking up on foot.

Officer Morse could see Officer Schiff's vehicle and he pulled in behind, and to the right of it. He said he could see both the passenger and driver of the vehicle ducked behind the frames of their doors but could not tell who was who. In front of Officer Schiff's vehicle was the subject who matched the description given by dispatch, and he was proned out on the ground with his arms in front of him, holding what Officer Morse believed was a gun. Officer Morse said he heard popping sounds and saw flashes coming from Nieto's hands which appeared to be recoiling as if he was firing a gun.

Officer Morse got out of his vehicle and ran around to the driver's side of the other patrol vehicle. He could see Nieto who still appeared to be engaged in a gun fight with the officers on scene. Officer Morse said he did not recall when he drew his own weapon, but he began to fire at Nieto once he got to the driver side of the other patrol vehicle to protect himself and the other officers.

Officer Morse said he could not hear any commands being given aside from hearing Sergeant Sawyer, at some point, tell everyone to stop firing. Officer Morse said that the only reason he stopped firing was because of Sergeant Sawyer's command. Officer Morse said he did not feel the threat was over as Nieto still had the weapon in his hands and it appeared to still be pointed at

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them. Due to the fact that he trusted and respected Sergeant Sawyer, he stopped firing when he was told to.

Officer Morse said when they made their approach to Nieto, he could see Nieto was moving in a sort of rocking motion and could hear gurgling sounds coming from Nieto. Nieto still had the weapon in his hands until Officer Morse kicked it away to render the scene safe, and then Officer Chew handcuffed Nieto. It was not until this point that Officer Morse realized the weapon was a Taser instead of a firearm.

Officer Morse described the weapon as looking like a black semi-automatic [firearm]. Once he got close, he could see the small yellow lines across the sides of it. Officer Morse said he could not tell if the Taser had been deployed.

Per Officer Morse, the sun was still out during the incident and he could see clearly. He said that Nieto did not look familiar to him, that he only remembered Nieto was wearing a red jacket, and seemed to be heavyset. When Officer Morse heard about the red jacket, he immediately thought they would be dealing with a Norteno gang member.

Officer Morse said he walked away after seeing Officer Chew handcuff Nieto and did not see who rendered aid.

Officer Nathan Chew #2088

Sergeant John Burke and Inspector Carl Bonner conducted the interview with Officer Chew who was represented by POA Attorney Harry Stern.

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In Officer Chew's voluntary statement he explained that on the day of the incident he was wearing his Class B uniform and assigned as the 3H15D along with a partner, Officer Roger Morse. They were patrolling in a marked SFPD vehicle and he was the passenger while Officer Morse was the driver.

Officer Chew said he heard the call of a Hispanic male subject, in the area of Bernal Heights Park, who was wearing a red jacket, black pants, and had a gun on his waist. They responded to the area.

As they were approaching the access road into the park, he saw another patrol vehicle up the road and saw a male subject wearing a red jacket standing in the middle of the road in front of that patrol vehicle. Once Officer Morse got onto the access road, he saw several officers on foot running up the hill towards the other patrol vehicle.

After Officer Morse drove passed these officers, he heard approximately five or six gunshots. Officer Chew said he did not know if it was the suspect [Nieto] or the officers shooting. Shortly after hearing the shots fired, he heard over the radio that there was an officer involved shooting.

Once they got up to the first patrol vehicle, Officer Chew said he saw Sergeant Sawyer on the passenger side, gun drawn, and pointed at Nieto. Nieto was in the prone position, pointing what looked like a dark firearm with a laser pointer on it. Officer Chew said he was not sure who, either Sergeant Sawyer or Officer Schiff was firing their weapon although he did hear one of them yell out, [redacted] indicating their magazine was empty or they were reloading.

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Officer Chew said when he exited his vehicle, Nieto had his head up as if to be looking at them, and his arms were extended out, seemingly aiming the weapon at them. Officer Chew said he could still hear shots being fired and he saw a red laser "glint" across his eyes. Believing Nieto was trying to fire at him, Officer Chew moved to his right then fired his Department-issued firearm back at Nieto to stop the threat. Officer Chew stated:

> I'm thinking if he's aiming a gun with a laser pointer at four uniformed officers and two marked patrol cars, he's going to fire it at us.

Officer Chew said he felt afraid and fired approximately four or five times at Nieto and then saw his head drop as the weapon pulled in towards his body. He stopped firing at this point and it was right around this time he heard Sergeant Sawyer yell out to stop firing. Officer chew said he believed he also heard Officer Morse yell out something to the effect of, "Let go of the weapon," or "Don't move!"

After they stopped firing, Officer Chew said the four of them, Sergeant Sawyer, Officer Morse, and Officer Schiff, approached Nieto with their guns still drawn. When they got close enough, Officer Chew saw Officer Morse kick the weapon out of Nieto's hands. It was at that moment that Officer Chew could see the weapon looked like a Taser. Officer Chew described it as being black and having a "boxy" look to it with a short handle. It was in the shape of a semi-automatic handgun. Once the weapon was out of Nieto's hands, Officer Chew handcuffed him.

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Officer Chew said after he handcuffed Nieto, he was told to move back so that gloved officers could render aid to Nieto who was bleeding. Officer Chew said he heard Sergeant Sawyer request an ambulance.

Medical Examiner Investigation:

Chief Medical Examiner, Amy P. Hart, M.D., Assistant Medical Examiner, Greg B. Pizarro, M.D., and Forensic Autopsy Technician, Jerry Wedrychowski, all members of the San Francisco Medical Examiner's Office, conducted a necropsy of Alejandro Nieto on March 22, 2014 (case number 2014-0292).

Per the Medical Examiner,

> The total number of gunshot wounds to the decedent's body may be as few as fourteen (14) or as many as fifteen (15). The gunshot wounds described may have been created by as few as ten (10) bullets due to the ability to align the injuries in the upper extremities with injuries of the head, torso, lower extremities, or with each other.

The Medical Examiner's Office determined the cause of death to be "Multiple gunshot wounds." Other conditions listed: "Cannabinoids present."

Findings of the District Attorney:

The San Francisco District Attorney's office responded to the scene of this officer-involved shooting and participated in witness/officer interviews. They completed their own investigation and review. On February 12, 2015 the District Attorney's Office concluded that,

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The officers were acting lawfully in self-defense and in defense of others when they discharged their weapons at Mr. Nieto after he drew and pointed a weapon which the officers reasonably believed to be a firearm."

In their "Analysis and Conclusion" the District Attorney's Office stated,

In this case, Sergeant Sawyer, Officer Schiff, Officer Morse and Officer Chew all clearly believed their lives, and the lives of the other officers, were in imminent danger at the time they discharged their firearms. Sergeant Sawyer and Officer Schiff both believed Mr. Nieto had a firearm. Believing that Mr. Nieto was about to shoot them, and in fear for their lives, both officer discharged their weapons at him. Once Officer Morse and Officer Chew arrived at the scene they heard gunshots and saw Mr. Nieto in a prone position with his arms outstretched in front of him holding what they each believed to be a semi-automatic firearm. Both officers began firing at Mr. Nieto to protect themselves and the other officers. All four officers continued to believe their lives were in danger and continued to fire until Mr. Nieto's head and weapon went down and Sergeant Sawyer ordered the officers to cease fire.

The belief of each officer that Mr. Nieto's weapon was a firearm was clearly reasonable. The Taser recovered from Mr. Nieto was black in color, shaped like a large frame pistol, and equipped with a red laser. At the time of the incident the Taser was armed, its red laser was activated, and the laser was focused in the direction of the officers. Although the Taser had several yellow striped along the sides of the left and right frame sections, they would not have been visible to the

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officers when the Taser was in its holster or when the Taser was pointed directly at them from a distance of 25 to 30 yards away. The officer were responding to a call of a man in the park reported to have a gun and saw what appeared to be a gun as soon as they encountered him on the hill. Mr. Nieto refused to obey orders to show his hands and, instead, immediately drew his and pointed his weapon at the officers. Mr. Nieto's actions gave the officers no opportunity to discover that his weapon was not a firearm before having to act to protect themselves and their fellow officers from the threat of death or great bodily harm.

Under these facts, the use of deadly force was justified. It is, therefore, our conclusion that Sergeant Sawyer, Officer Schiff, Officer Morse and Officer Chew acted lawfully.

Administrative Investigation

The Internal Affairs Division was notified of the Officer Involved Shooting and an administrative investigation was initiated. The investigation was led by me, Sergeant Jayme Campbell #759, and I was assisted by Sergeant John Crudo.

The Homicide interviews, Administrative interviews, Incident Report, CAD, Crime Scene Report, Criminalist Report, District Attorney's Report, Medical Examiner's Report, Homicide Report, and applicable Department General Orders were reviewed in preparation of this Summary Report.

Internal Affairs Division Interviews:

Sergeant Sawyer

Sergeant Sawyer and his POA Attorney Harry Stern responded to the Internal Affairs Office on May 16, 2014 and provided me with a compelled statement. I

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was assisted by Sergeant John Crudo #1694. Sergeant Sawyer was advised of his Police Officer Bill of Rights and was provided a Lybarger Admonition.

Sergeant Sawyer's statement was consistent with the interview he provided to the Homicide investigators. His account of the details leading up the shooting did not vary. The main questions I asked Sergeant Sawyer were in relation to policy and procedure. Other questions I asked were to gain more specific information in addition to the information obtained from the Homicide interview.

Sergeant Sawyer was working as the 3H104, patrol Sergeant on the evening of this incident. He was utilizing a marked patrol vehicle for this assignment and was wearing his Class B uniform, with his Department star on his outermost garment. He was equipped with his mandated Department-issued equipment, namely his fully loaded firearm, two extra magazines, O.C. spray, baton, handcuffs, and radio.

After Sergeant Sawyer gave me a narrative of what happened that evening, I asked him specific questions about certain details. One of the details that I gained from this Internal Affairs interview was when Sergeant Sawyer learned Nieto's weapon was a Taser. Sergeant Sawyer said he realized the weapon was a Taser upon their approach to assess Nieto's condition. He indicated that he could see the Taser had been "activated" because he could see the prongs attached to the leads that had been deployed from the weapon. Sergeant Sawyer said he had no experience with Tasers and had no idea, prior to this incident, that they were equipped with red laser sights. Due to his training and experience with firearms, Sergeant Sawyer knew that lasers are primarily an "after-market" accessory typically affixed to firearms to allow for more accurate shooting. Sergeant

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Sawyer stated that Nieto was very fluid with his manipulation of the weapon and his movements were that of someone firing a gun.

I asked Sergeant Sawyer if he ever received, either before or during his encounter with Nieto, any information regarding his mental status. Sergeant Sawyer said he did not receive any information of the sort, and there was nothing specific that allowed him to ascertain Nieto's mental health status. Sergeant Sawyer went on to explain,

> He [Nieto] did not suddenly stop to have like a stand-off and not obey our commands while he's waiting for us and hesitate. He was marching at us at a steady pace, I didn't even know if he was going to stop, and upon hearing our commands, immediately issued or told us to 'show me your hands' and then as fast as someone can, he pulled the gun out right away and pointed it right at us.

Sergeant Sawyer said Nieto never gave them a chance to pause or try to negotiate anything. Nieto never gave them a chance to have a dialogue before he pulled the weapon from his waistband, pointed it at them, and activated the red laser sight. As soon as Sergeant Sawyer saw the red light, he fired his weapon at Nieto because he thought he or Officer Schiff was about to be shot.

I asked Sergeant Sawyer if, aside from all the officers wearing their Class B uniforms and being in marked patrol vehicle, he had a chance to verbally identify himself to Nieto as a Police Officer. Sergeant Sawyer said he recalled yelling out something to the effect of, "Police! Stop! Show me your hands!" Sergeant Sawyer said he did not believe there was any way a reasonable person would not recognize them as Police Officers.

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When I asked Sergeant Sawyer if any other force options were reasonable in this incident, namely the Extended Range Impact Weapon (ERIW- Less lethal), he explained that there were no other reasonable options other than lethal when the call is of a person with a gun.

When the situation was safe to do so, Sergeant Sawyer notified Dispatch that there had been an Officer Involved Shooting and that he needed an ambulance. He also provided a Public Safety Statement to Sergeant Riskin prior to being transported from the scene.

I asked Sergeant Sawyer what his intent was in responding to the call and he said that his intent was for a "peaceful resolution." In cases where the person actually has a gun, Sergeant Sawyer said, there are numerous options for that person to end the situation peacefully and that, as a Police Officer, he gives the person every opportunity for that, however, this was not the case. Sergeant Sawyer felt that he had to protect himself.

Officer Schiff

Officer Schiff and his POA Attorney Harry Stern responded to the Internal Affairs Office on May 16, 2014 and provided me with a compelled statement. I was assisted by Sergeant John Crudo #1694. Officer Schiff was advised of his Police Officer Bill of Rights and was provided a Lybarger Admonition.

Officer Schiff's narrative of events in this Administrative interview was consistent with the interview he provided to the Homicide investigators. The main questions I asked Officer Schiff were in relation to policy and procedure. Other questions I asked were intended to gain specific details of the information obtained from the Homicide interview.

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Officer Schiff confirmed he was on a ride-along with Sergeant Sawyer. He had switched patrol vehicles from the one he started the evening in to Sergeant Sawyer's vehicle for his ride-along. Officer Schiff said he was the driver that day, and that he would generally set up his vehicle with an Extended Range Impact Weapon (ERIW) however, he could not recall if, on this night, he switched the ERIW into Sergeant Sawyer's vehicle. He said he was wearing his Class B uniform with his Department-issued star exposed on his outermost garment. His duty-belt was equipped with the Department mandated equipment, namely, his fully loaded Department-issued firearm, two extra magazines, O.C. spray, baton, handcuffs, and radio.

On the day of the incident, he had just completed a traffic citation when the call of a person with a gun came out. Officer Schiff said he came up for the run and recalls that the description was of a male wearing a red sweatshirt, with a plastic holster on his right hip, with a gun inside it, and that he was sitting on a bench eating chips. Officer Schiff said he did not respond in a "Code-3" manner; he did not activate the lights and sirens, but immediately headed to the area to search for the subject.

Officer Schiff explained that as he got into the park, via the north access gate, he drove around a curve in the road and that was when he saw Nieto, described as dispatch stated, walking at a fast pace, directly towards their vehicle. Nieto was "walking with a purpose." Because of the time of day and the lighting, there was no need for headlights or spotlights. Everything was easy to see, including that they were in a marked Police Vehicle.

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Officer Schiff said he slowed his vehicle down when they were about fifty yards away from Nieto. Sergeant Sawyer told him to pull up a little closer until they got to about twenty-five to thirty yards away from him.

Officer Schiff said as soon as he stopped the car, he drew his weapon and attempted to take cover in the driver side doorjamb. He drew and pointed his firearm at Nieto, due to the nature of the call, and gave Nieto orders to show his hands. Nieto walked a little closer towards them, stopped, and yelled, "Show me your hands!" Nieto then drew his weapon from the holster with his right hand, and pointed it at them. Officer Schiff believed he and Sergeant Sawyer were about to be shot. Officer Schiff fired his weapon at Nieto in his own, and Sergeant Sawyer's, defense. Officer Schiff said he saw a red laser light emitting from Nieto's weapon as soon as it was pointed at him. He described the weapon saying it "looked like to be a large-caliber black handgun."

While Officer Schiff was firing from his Department-issued firearm, he ran out of ammunition forcing him to make a magazine change. Officer Schiff said Nieto continued to stand with his arms outstretched with the weapon still pointed at them. Officer Schiff believed Nieto had continued to fire at him and therefore continued to fire at Nieto. Nieto went down to the ground, onto his stomach as if to get into a tactical, prone position, with his arms and weapon still outstretched in front of him and pointed at Officer Schiff and Sergeant Sawyer with the laser sight still emitting from it. Officer Schiff said he believed Nieto did this to make himself a smaller target, and that Nieto's movement into this position made Officer Schiff think that he may have had some military training.

Officer Schiff said he continued to fire until he heard Sergeant Sawyer yell out "Cease fire!" Once he stopped firing, he realized other officers (Morse and Chew)

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had come up behind them. The four of them tactically approached Nieto. Officer Schiff had done a tactical reload prior to making this approach to ensure he had a full magazine in the event Nieto came up firing again.

Once they approached Nieto, Officer Schiff said he saw Officer Morse kick the weapon out of Nieto's hand. Officer Chew and another officer began cuffing Nieto. Officer Schiff saw that Officer Chew was getting blood on his bare hands so he told him to step back. Officer Schiff put on rubber gloves and took over for Officer Chew. Officer Schiff said he found a "couple cans of mace" and some handcuffs on Nieto. Once Officer Schiff felt Nieto was secure, he checked for a pulse and did not feel one.

Officer Schiff said someone asked him if he was involved in the shooting and then told him he had to be separated from the others. He said another officer took over rendering aid to Nieto but he could not remember who, and that he heard someone call for an ambulance over the radio.

Officer Schiff said he did not realize the weapon Nieto was pointing at them was not a gun until Officer Morse kicked it out of Nieto's hands. At that point he then saw two wires coming out of it and then assumed it to be a Taser. Officer Schiff said he did not have experience with Tasers.

I asked Officer Schiff if, from the time the call came out to the time he had observed Nieto, he was given any information regarding Nieto's mental status. Officer Schiff said he had not. When I further asked Officer Schiff if he could ascertain Nieto's mental status once he contacted him, Officer Schiff said,

> What I can say is that he clearly understood my command with his response and he clearly recognized that I was a threat

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> having my weapon out and having my vehicle and being a police officer and being clearly marked. So at that point I could determine that if somebody who was able to, you know, cognitively answer me and respond to my commands and then refuse to do so, at that point, all I could speculate is that he at least knew who we were and he was aware of the decision he was making.

I asked Officer Schiff if Nieto's mental status became a concern for him once he was faced with this situation and he said he was not at that point. He stated that he was concerned with the threat, his safety, and the safety of others. Officer Schiff indicated further that even if he had been given information regarding a mental issue, he would have responded the same way until it was determined whether or not there was a credible threat of a firearm.

Officer Schiff said the incident happened "way too fast," when I asked him if he had a chance to identify himself, verbally as a Police Officer. He explained that being he was in a marked police vehicle, wearing his uniform, and giving his commands, "There's no way he [Nieto] wouldn't have known who or what I was. " and "I believe it would have been impossible for him not to know I was a police officer." Officer Schiff also explained that the only warning he gave was for Nieto to show his hands, and by the time Nieto responded, there was no more time to give any other warning.

Officer Schiff, when explaining why he fired, stated,

> I believed he was going to fire on me and I was in fear for my life and the life of my partner and anyone else who was in the area.

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When describing his back-drop, Officer Schiff described it as the hillside and the road. He could not see any houses.

Officer Schiff said his intention for responding to the scene was to see whether or not there was merit to a weapon and to try to make the scene safe; to make sure there were no threats and to stop any threats.

Officer Morse

Officer Morse and his POA Attorney Harry Stern responded to the Internal Affairs Office on May 16, 2014 and provided me with a compelled statement. I was assisted by Sergeant John Crudo #1694. Officer Morse was advised of his Police Officer Bill of Rights and was provided a Lybarger Admonition.

Officer Morse's statement was consistent with the interview he provided to the Homicide investigators. The details he provided leading up to the incident did not vary. The main questions I asked Officer Morse were in relation to policy and procedure. Other questions I asked were to gain more specific information in addition to the information obtained from the Homicide interview.

Officer Morse said on this evening, he was working with Officer Chew and he was wearing his Class B uniform with his silver star displayed on his outer most garment. He said he was equipped with the required gear for patrol including: a Department-issued radio, his Department –issued firearm, along with two extra magazines, OC spray, and a baton as additional force options. He was the driver that evening of their marked SFPD vehicle.

I started off by asking Officer Morse what his thoughts were when he first heard the call of a person wearing red and with a gun at Bernal Heights Park. Officer

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Morse said when he first heard that, he was thinking there was a Norteno gang member in the park. This made the threat of an armed subject a bit more credible to Officer Morse.

Officer Morse said he did not recall receiving any information on the mental status of the subject prior to contacting him, but that he was CIT trained (Crisis Intervention). He said that the mental status of the subject was not in the forefront of his mind because the call was of a person with a gun and that took precedence over anything else.

When Officer Morse first got to the scene, and drove up the access road, he heard gunshots. He pulled the patrol vehicle up behind the first vehicle on scene and could not tell who the passenger or driver were. He could see Nieto "proned out" with his arms out forward. Officer Morse said Nieto's hands were moving as if they were recoiling from the gun fire. He could see flashes and dust flying, and could see what looked like a black semi-auto[matic] firearm in Nieto's hand. Officer Morse did not immediately draw his weapon but rather checked on the passenger Officer, who appeared to be uninjured, then went around the back of that vehicle to the driver side and saw the driver Officer appeared fine as well.

Officer Morse believed Nieto was firing upon the Officers and began firing his Department-issued firearm at Nieto. When I asked Officer Morse why he fired his weapon he stated,

> [T]o stop this guy from shooting at us. Well, you know, Schiff and Sawyer.

I asked Officer Morse if he had any fear that Nieto was going to fire at him as well and he said,

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> Yeah, I did, for sure. Even when I-right when I exited I said I just knew I said okay I'm probably going to take fire but I wanted to make sure that those guys were okay so.

Officer Morse said that he was firing for the protection of Sawyer, Schiff, himself and his partner. Officer Morse said he was unable to give a warning before firing his weapon. He explained that he was already engaged in a gun fight and if he tried to stand there and give a warning, somebody could get hurt.

I asked Officer Morse what his target was, and what his backdrop was if he knew. He told me that his target was Nieto, who he was able to acquire his sights on. He further stated that his background was slightly uphill and that there were trees. He felt it was, "pretty clear."

When I asked Officer Morse why he stopped firing, he said it was because he heard Sergeant Sawyer yell out to stop firing. He explained that he did not feel the threat was over because they had not gotten the weapon out of Nieto's hand and he did not know if Nieto was still alive or not.

Officer Morse said once they stopped firing, Sergeant Sawyer advised them that they needed to approach. As the four of them approached Nieto, Officer Morse said he was fearful because the weapon was still in Nieto's hands. He recalled saying something to the effect of, "Don't move" to Nieto. He said it looked like Nieto was sort of rolling slightly, and the weapon was still in Nieto's hand. It was not until he was right over Nieto's hands that he noticed the weapon was a Taser. He said even then he was not completely sure it was a Taser because he is not familiar with them. Nieto had a strong grip on the handle in a manner that

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someone would be holding a gun, and when Officer Morse attempted to kick the gun away, he had some difficulty.

I then asked Officer Morse if any other force options would have been reasonable in this situation and he said no other options were reasonable, especially because the call was of a person with a gun.

I asked Officer Morse what his intent was in responding to the scene and he said it was to find the subject with the gun and take him into custody. His intent in firing at Nieto was to stop him from harming him and his fellow officers.

Officer Chew

Officer Chew and his POA Attorney Harry Stern responded to the Internal Affairs Office on May 16, 2014 and provided me with a compelled statement. I was assisted by Sergeant John Crudo #1694. Officer Chew was advised of his Police Officer Bill of Rights and was provided a Lybarger Admonition.

Officer Chew's statement was consistent with the interview he provided to the Homicide investigators. As with the previous three officers, the details Officer Chew provided leading up to the incident did not vary. The main questions I asked Officer Chew were in relation to policy and procedure. Other questions I asked were to gain more specific information in addition to the information obtained from the Homicide interview.

Officer Chew explained that on the evening of the incident he was wearing his Class B uniform and he had his silver star pinned to his outermost garment. He was equipped with his radio, his fully-loaded Department-issued firearm, O.C.

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spray, handcuffs, belt-keys, and extra magazines. He was the passenger in a marked SFPD vehicle.

On the night of the incident, Officer Chew recalled it was still bright out. There were no street lights and it was a clear day. The call came out of a person with a gun in Bernal Heights Park up on the hill. He recalled dispatch saying that the caller described the subject [Nieto] as acting a little strange or aggressive towards people out there. Nieto was also described as wearing a red jacket.

Officer Chew said when they began their response, they were not going Code-3 (lights and sirens) but they were able to use the freeway and got to the area quickly. His thought process, while en route, was to make sure that the scene was safe.

I asked Officer Chew if there was any description given, however specific, about the mental status of the subject and he said "No." Officer Chew also explained that if he had this kind of information that Nieto had mental health issues, his response or contact once he saw Nieto would not have been different. He said that by the time he saw Nieto, it looked like Nieto was pointing a gun in his direction and the direction of his fellow officers, and whether or not Nieto had a mental condition, he was going to defend himself and his coworkers.

Officer Chew explained that before he got through the gate to the access road, he could see a subject in a red jacket, presumably Nieto, standing in front of a patrol vehicle. Once they got through the gate there was a curve in the road, and his view of Nieto and the patrol vehicle was blocked by a tree. Prior to regaining a visual of them, Officer Chew heard approximately six gunshots. This caused him to believe Nieto was firing at his coworkers or that they had some reason to fire

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at Nieto so he drew his weapon just prior to his vehicle coming to a stop. Officer Chew explained what he saw the next time he had a visual of Nieto:

> He's [Nieto] in a prone position with both arms pretty much fully extended holding what looked like a gun to me with a laser pointer on it and I could see the laser pointer kind of brighten up so I believe he was kind of scanning in my direction or Officer Morse's direction too.

(Officer Chew described the prone position as "a tactical position to steady your arms a little bit better to get a better aim on your target.")

Officer Chew went on to say,

> ...first thing I saw was that red laser pointer and I got- I was afraid so I moved to the right, shifted to the right quickly then shifted back to the left just to make sure he wasn't firing in my direction, evading, yeah.

Officer Chew said that what he knew of a red laser was that they were put on firearms and used for aiming purposes.

I asked Officer Chew if he was familiar with Tasers and if he was aware that Tasers also have red lasers. He said he was not familiar with Tasers but was aware that they have red lasers as well. I asked him what he saw in Nieto's hand and he said, "The shape of a handgun." I asked Officer Chew if there was any reason for him to believe that the object in Nieto's hand was anything but a gun and he replied,

> No, just the moment is so quick that I'm just going to automatically believe it's a gun due to the nature of the call at the same time.

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I asked Officer Chew if he was able to identify himself as a Police Officer to Nieto, aside from wearing a Police uniform. Officer Chew said he was not able to because after seeing the laser pointed at him, he felt like he did not have time. Officer Chew did not believe there was any reason Nieto would not know he was a Police Officer and explained that he was in his full Police uniform, in a marked patrol vehicle with lights on the top, and Sergeant Sawyer was in his full uniform with his marked vehicle as well.

I asked Officer Chew if it was feasible for him to give Nieto a warning before he fired his weapon at him and he said that it was not because he did not feel like he had time.

When asked what his intent was in firing his weapon, Officer Chew said it was to protect himself, his coworkers, and citizens in the area. He believed Nieto was dangerous. He said he stopped firing when he noticed Nieto's head drop to the ground and either one or both of his arms pulled in towards his body. At this point, the tip of what he thought was a gun, was no longer pointed in their direction. Officer Chew recalled hearing Sergeant Sawyer call out a cease fire, but by then he saw Nieto's head go down and he was not going to fire again.

Officer Chew described when he first realized the weapon in Nieto's hand was a Taser. He said it was not until after they approached Nieto; when Officer Morse had kicked it out of Nieto's hands. Officer Chew said he could see that parts of it were black and that it looked like the prongs had been ejected already. He said he believed the red laser was still emitting from it. He described the shape as that of a firearm.

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I asked Officer Chew if he felt any other force options were reasonable in this situation, namely the Extended Range Impact Weapon (ERIW). Officer Chew said the initial call was of someone with a gun and the ERIW is not something he would use against someone with a gun.

I asked Officer Chew if he had any intrusive thoughts about his life or family while he was in this perceived gun battle with Nieto. He said that initially when they got to the scene and stepped out of his vehicle, he could not see the other Officer with Sergeant Sawyer. He said he thought the Officer had been shot and that was why Sergeant Sawyer was engaging Nieto as well. Officer Chew said he was afraid for the other Officer and also afraid for himself and Officer Morse.

Officer Chew said after they ceased fire then made their approach to assess Nieto and render the scene safe, he began to handcuff Nieto, and while doing so heard Sergeant Sawyer call for an ambulance. He said he did not know who initially rendered aid to Nieto because he did not have gloves on and was pulled away from Nieto so other Officers could take over.

Officers' Training and Experience:

Sergeant Sawyer entered the San Francisco Police Department on [redacted]. He completed the Basic Academy training on [redacted]. Sergeant Sawyer has extensive training in Law Enforcement tactics and was in compliance with his Bi-annual firearms qualification.

Officer Schiff entered the San Francisco Police Department on [redacted] and completed the Basic Academy training on [redacted]. He was in compliance with his Bi-annual firearms qualification.

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Officer Morse entered the San Francisco Police Academy on [redacted] and completed the Basic Academy training on [redacted]. He completed the forty hour Police Crisis Intervention II course in October of 2012. Officer Morse was in compliance with his Bi-annual firearms qualification.

Officer Chew entered the San Francisco Police Department on [redacted] and completed the Basic Academy training on [redacted]. He was in compliance with his B-annual firearms qualification.

Post Discharge Actions:

As required by Department General Order 8.11, Sergeant Sawyer, Officer Schiff, Officer Morse, and Officer Chew were placed on administrative assignment. The General Order states:

> Officers who discharge a firearm in an officer-involved shooting will be reassigned to his or her respective Bureau Headquarters. Officers shall not return to regular assignment for a minimum of 10 calendar days. This reassignment is administrative only and in no way shall be considered punitive.

While on administrative assignment, Officer Schiff, Officer Morse, and Officer Chew responded to the Behavioral Sciences Unit for a debriefing on March 25, 2014 and Sergeant Sawyer responded on March 27, 2014. The debriefing was facilitated by Sergeant Stephanie Long #128.

Officers Schiff and Chew responded to the Lake Merced Range on March 25, 2014 and Sergeant Sawyer and Officer Morse responded on March 27, 2014. Officer Nick Shihadeh #1612 facilitated the post-discharge weapon debrief and

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reviewed the proper manipulation of their replacement firearms and related Department Policies and Procedures.

Sergeant Sawyer and Officer Morse responded to the San Francisco Police Department's Regional Training Center on March 27, 2014 and Officers Schiff and Chew responded on March 28, 2014 for a post-discharge force options debrief led by Officer Kirk Tomioka. Each of the officers satisfactorily completed three "Use of Force" scenarios.

On March 28, 2014, Deputy Chief David Shinn #1276 (ret.) convened a Return to Duty Panel to consider whether to recommend to Chief Suhr the return of Sergeant Jason Sawyer, Officer Richard Schiff, Officer Roger Morse, and Officer Nathan Chew to their regular assignments. The Homicide Detail provided a summary of the initial findings of the criminal investigation. The panel recommended the return of all four officers to their regular duties and forwarded their recommendations to Chief Suhr.

Chief Suhr concurred with the Return to Duty Panel's recommendation. A letter regarding this decision was sent to the Police Commission's President at the time, Thomas Mazzucco, dated March 28, 2014. The Chief's decision was presented to the Police Commission on April 2, 2014, after which Sergeant Sawyer, Officer Schiff, Officer Morse and Officer Chew were returned to their regular assignments.

CONCLUSION:

The focus of this administrative investigation is whether Sergeant Jason Sawyer #1127, Officer Richard Schiff #1968, Officer Roger Morse #1923, and Officer

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Nathan Chew #2088 discharged their Department-issued firearms on March 21, 2014 in accordance with San Francisco Police Department Policy and Procedure. The criminal investigations, conducted by the San Francisco Police Department Homicide Detail and by the Office of the District Attorney of the City and County of San Francisco, concluded that Sergeant Sawyer, Officer Schiff, Officer Morse, and Officer Chew had acted lawfully on March 21, 2014. District Attorney George Gascon specifically noted in the District Attorney's charging decision that, "[T]he officers were acting lawfully in self-defense and in defense of others when they discharged their weapons at Mr. Nieto after he drew and pointed a weapon which the officers reasonably believed to be a firearm."

The administrative investigation considered the criminal investigative findings, statements, and evidence as well as the following applicable statute and Department General Order provisions:

Penal Code Section 835a:

> Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.
>
> A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

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Department General Order 5.01 (Use of Force rev. 10/4/95) states, in part:

D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:
    a. Verbal Persuasion
    b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
    c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
    d. Carotid Restraint
    e. Department-Issued Baton
    f. Firearm
2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

E. REASONABLE FORCE

1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that and officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will

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more quickly, humanely and safely bring an arrestee under physical control.

2. Penal Code Section 835 (definition- as indicated above)

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:
    a. To prevent the commission of a public offense.
    b. To prevent a person from injuring himself/herself.
    c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
    d. In self-defense or in the defense of another person.
2. Before using force, the officer should consider these questions:
    a. What actions on the part of the suspect justify the use of force?
    b. What crime is being or has been committed?
    c. Does the situation require the immediate use of force?

Department General Order 5.02 (Use of Firearms rev. 3/16/11) states, in part:

I.B. HANDLING AND DRAWING FIREARMS

1. HANDLING FIREARMS. An officer shall handle and manipulate a firearm in accordance with Department-approved firearms training. An officer shall not manually cock the hammer of the Department-issued handgun to defeat the first shot double-action feature.

2. AUTHORIZED CIRCUMSTANCES. An officer may draw or exhibit a

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firearm in the line of duty when the officer had reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. When an officer determines that the threat is over, the officer shall holster his or her firearm or hold the shoulder weapon in port arms position pointed or slung in a manner consistent with Department-approved firearms training. If an officer points a firearm at a person and the person is not arrested, and if the circumstances permit, the officer should tell the individual the reason the officer drew the firearm.

3. DRAWING OTHERWISE PROHIBITED. An officer shall not draw a Department-issued firearm except as authorized by this order, for inspection by a superior, maintenance, safekeeping, or Department-approved training.

I.C. DISCHARGE OF FIREARMS

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:
   a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
   b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.

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c. To apprehend a person when both of the following circumstances exist:

(1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND

(2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.

3. REASONABLE CARE. To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.

4. GENARALLY PROHIBITED CIRCUMSTANCES. As a warning.

Conclusion Summary

After the examination of the totality of this incident, the relevant policies, the investigative conclusions, and other considerations described in this report, it is concluded that based on the preponderance of evidence: Sergeant Jason Sawyer #1127, Officer Richard Schiff #1968, Officer Roger Morse #1923, and Officer Nathan Chew #2088 each fired his weapon on March 21, 2014 within the guidelines set forth in San Francisco Police Department General Orders 5.01 and 5.02.

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Prior to their encounter with Nieto, Sergeant Sawyer and Officer Schiff were responding to the dispatched call of a male, wearing a red jacket, with a gun in a holster on his hip in Bernal Heights Park, an area in the Ingleside District not known for violent activity. Due to the nature of the call, several units began a response to investigate and determine if there was merit, including Officer Morse and Officer Chew.

Upon contacting Nieto, Sergeant Sawyer verbally identified himself and Officer Schiff as the Police. Both Officers gave Nieto commands to show them his hands as they pointed their Department-issued firearms at him. The Officers were not only in their uniforms with their stars exhibited on their outermost garment, but they were also in a marked SFPD vehicle equipped with a red and blue light bar across the top.

Instead of complying with the Officers' commands, Nieto yelled at them to show him their hands, drew his weapon from the holster on his hip, and pointed it at the Officers in a threatening manner.

Nieto's actions left Sergeant Sawyer and Officer Schiff no other reasonable option than to defend themselves and each other, from what they reasonably perceived as a deadly threat, and consequently fired upon Nieto.

At approximately the same time, Officer Morse and Officer Chew heard gun fire, and came onto the scene where they reasonably perceived they, as well as the two other officers already on scene, were being fired upon by Nieto. Officer Morse and Officer Chew also discharged their firearms at Nieto in defense of

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themselves, each other, and the other Officers, from a reasonably perceived deadly threat.

RECOMMENDATION:

Based on the above findings, it is recommended that Sergeant Jason Sawyer's use of his Department-issued firearm on March 21, 2014 be deemed **In Policy** and **Proper Conduct.**

Based on the above findings, it is recommended that Officer Richard Schiff's use of his Department-issued firearm on March 21, 2014 be deemed **In Policy** and **Proper Conduct.**

Based on the above findings, it is recommended that Officer Roger Morse's use of his Department-issued firearm on March 21, 2014 be deemed **In Policy** and **Proper Conduct.**

Based on the above findings, it is recommended that Officer Nathan Chew's use of his Department-issued firearm on March 21, 2014 be deemed **In Policy** and **Proper Conduct.**

It is further recommended that this case be forwarded to the Firearm Discharge Review Board for review per Department General Order 8.11.

Submitted By:
Jayme Campbell
Sergeant Star 759

[redacted]

Approved By:
Robert Yick
Lieutenant Star 1264

Date: June 11, 2015

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ATTACHMENTS:

1. MCD Investigator(s) Chronological
2. SFPD Form 83
3. Incident Report 140240512
4. Certified copies of CAD 140802955
5. Profile: Alejandro Nieto & prior incident reports
6. Preliminary Investigative Memo
7. Generic overview map of area of incident
8. Homicide Investigation Report
9. District Attorney Declination Letter
10. Return to Duty Documents
11. Profile: Sergeant Jason Sawyer #1127
12. Profile: Officer Richard Schiff #1968
13. Profile: Officer Roger Morse #1923
14. Profile: Officer Nathan Chew #2088
15. Interview Notices/shift schedules
16. Transcripts: IAD Officer Interviews
17. Transcripts: Homicide Interviews & notes
18. Crime Scene Report
19. Criminalistics Lab Firearms Examination Report
20. Medical Examiner's Report
21. Crime Scene Photos (in part-see disk for complete)
22. Department General Orders
23. Officer Safety Broadcast
24. Recorded Media
25. Miscellaneous Paperwork
26. OCC Requests for Investigative information

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Citizen

ADVANCED TASER® M26C
Operating Manual



TASER

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IMPORTANT SAFETY AND HEALTH INFORMATION

Read, understand, and follow the warnings and safety instructions contained in the enclosed product warnings document included with this electronic control device (ECD). The most current warnings are posted on our website at www.TASER.com. Do not attempt to use this ECD until you have read and understood this manual, the product warnings, and the training materials.



TASER® ECDs are designed for lawful self-defense or defense of others. When lawfully used as directed, ECDs are designed in probe-deployment mode to temporarily incapacitate a person from a safer distance than some other force options, while reducing the likelihood of death or serious injury. Any use of force, physical exertion, capture, control, restraint, or incapacitation involves risks that a person may get hurt or die.

OPERATIONAL SAFETY

To minimize the risk of injury before, during, and after use, consider the following:

MINIMIZE RISKS BEFORE USE

- **Read and Obey.** Read, study, understand, and follow all instructions, warnings, information, and TASER training materials before using the ADVANCED TASER® M26C™ ECD. Failure to comply with these instructions, warnings, information, and TASER training materials could result in death or serious injury to the user, force recipient, and others.
- **Complete Training First.** Do not attempt to use a TASER ECD unless you have read and understood this manual and the training materials.
- **Obey All Applicable Laws.** Use the ECD only in accordance with applicable federal, state, local laws and other regulations or legal requirements. Any use of an ECD must be legally justifiable.
- **Store in a Secure Location.** Store ECDs, cartridges, and accessories in secure locations inaccessible to children and other unauthorized persons to prevent inappropriate use, which may result in death or serious injury to the user, other person or animals. ECDs, cartridges, and accessories are not toys.

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MINIMIZE RISKS DURING USE

- **Avoid Misuse.** Use an ECD only for its intended purpose and in legally justifiable situations.
- **Assume ECD is Loaded.** Always assume that an ECD is loaded and capable of discharging. To avoid unexpected discharge, ensure that no live cartridge is in the ECD when inserting a battery or while performing spark tests, or when performing maintenance, data downloading, or battery charging.
- **Keep Body Parts Away from Front of ECD or Cartridge.** Keep your hands and body parts away from the front of the ECD and cartridge. A discharging ECD or cartridge could result in serious injury.
- **Avoid Static Electricity.** Keep the cartridge away from sources of static electricity. Static electricity can cause the ECD or cartridge to discharge unexpectedly, which could result in serious injury.
- **Fire and Explosion Hazard.** ECD use could result in a fire or explosion when flammable gases, fumes, vapors, liquids, or materials are present. An ECD can ignite explosive and flammable clothing or materials, liquids, fumes, gases, or vapors (e.g., gasoline, vapor or gas found in sewer lines or methamphetamine labs, butane-type lighters, or flammable hair gels). Do not knowingly use an ECD in presence of any explosive or flammable substance without legal justification. Note: that some self-defense sprays use a flammable carrier, such as alcohol.
- Do not point the laser at the eyes or stare into the beam.



OWNERSHIP

Do not give a TASER M26C away as a gift or sell it without filling in the registration card or transfer card. Do not give or sell a TASER ECD to anyone not authorized to own it.

Taking a TASER-brand ECD out of the United States (U.S.) without the proper export license is prohibited by U.S. law. If traveling on an airplane (domestic U.S.), you must put the TASER M26C in your checked luggage; it cannot be carried onboard. Although the TASER M26C is not classified as a firearm by the BATF, you should carry the TASER M26C in a hard case and advise the Transportation Security Administration (TSA) and airline personnel prior to bag screen that you are carrying the TASER ECD in your checked baggage.

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Do not point the TASER ECD at any law enforcement officer or do anything that would cause law enforcement officers to feel threatened by your use of the TASER ECD. Because the TASER ECD is able to incapacitate a person, law enforcement officers may be justified to use lethal force to protect themselves.

Do not carry TASER ECD cartridges in your pockets as they can be initiated by electrostatic discharge. It is recommended that you carry the TASER device only in a certified holster or carrying case.



WHAT IS THE ADVANCED TASER M26C?

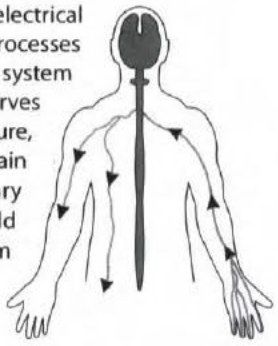
The ADVANCED TASER M26C is an ECD manufactured by TASER International, Inc. ECDs use propelled wires or direct contact to conduct energy to affect the sensory and motor functions of the nervous system. The ADVANCED TASER M26C includes a laser sight to aid in aiming.

The ADVANCED TASER M26C uses a replaceable cartridge containing compressed nitrogen to deploy two small probes that are attached to the ECD cartridge by insulated conductive wires with a maximum length of 15 feet. The ECD transmits electrical pulses along the wires and into the body affecting the sensory and motor functions of the peripheral nervous system. The energy can penetrate up to two cumulative inches of clothing, or one inch per probe.

The M26C ECD has an internal memory that stores a record of every deployment.

NEURO MUSCULAR INCAPACITATION (NMI)

The human nervous system communicates with simple electrical impulses. The command center (brain and spinal cord) processes information and makes decisions. The peripheral nervous system includes the sensory and motor nerves. The sensory nerves carry information from the body to the brain (temperature, touch, etc.). The motor nerves carry commands from the brain to the muscles to control movement and can be involuntary in response to the sensory information. An example would be the involuntary muscle reaction to pull a hand away from a hot object. TASER technology uses similar electrical impulses to cause stimulation that affects the sensory and motor nerves.



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NMI occurs when and ECD is able to cause involuntary stimulation of both the sensory and motor nerves. It is not dependent on pain and is effective on subjects with high level of pain tolerance.

Previous generations of stun guns primarily affected the sensory nerves only, resulting in pain compliance. A person with a very high tolerance to pain (e.g., a drug abuser or a trained, focused fighter) might be able to fight through the pain of a traditional stun gun.

BASIC M26C DEVICE ELECTRICAL THEORY

- Electricity must be able to flow between the probes or the electrodes.
- Electricity generally follows the path of least resistance between the probes.
- The greater the spread between the probes on the target, generally the greater the NMI effectiveness.
- Electricity generally will not pass to others in contact with the subject unless contact is made directly between or on the probes.
- Electricity can arc through clothing.
- Exposure to water will not cause electrocution or increase the power to the subject (the electrical charge is fixed inside the TASER ECD, and will not increase significantly even with environmental changes.

Modern pacemakers and implanted cardiac defibrillators withstand external electrical defibrillators at least 800 times stronger than the TASER conducted energy pulses.

NMI AND SECONDARY INJURIES

An ECD may cause NMI if probes are within sufficient proximity to complete a circuit, the probes have a sufficient spread, and an adequate circuit is completed and maintained rendering the subject temporarily unable to control movement. Also, ECD use may cause a fall or startle response. This loss of control or startle may increase risk of death or serious injury resulting from loss of balance, fall, change in momentum, drowning, or loss of control of any mode of transportation, conveyance, or machinery. Especially at risk is a person who:

- could fall and suffer impact injury to the head or other sensitive area;
- is on an elevated or unstable surface (e.g., tree, roof, ladder, ledge, balcony, porch, bridge, crane, dock, chair, bunk bed, or stair);
- is less able to catch or protect self in a fall (e.g., restrained, handcuffed, incapacitated, or immobilized);
- could fall on a sharp object (e.g., holding a knife or other edged weapon or sharp object on ground);
- is running in motion, or moving under momentum;
- is operating or riding in or on any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle, cart, train, or airplane), conveyance (e.g., escalator, moving walkway, elevator, skateboard, skates, or rollerblades), or machinery;
- is located in water, mud, or marsh environment if the ability to move is restricted;
- is physically infirm, elderly, or pregnant; or
- is under the influence of alcohol or drugs.

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For a full list of warnings, see www.TASER.com.



ADVANCED TASER M26C AND CARTRIDGE FEATURES

The M26C is constructed of impact resistant sonic welded polymer and weighs approximately 19 ounces. Various color options may be available.



SAFETY SWITCH:

Ambidextrous safety switch can be operated from either side.

- Safety Switch down (SAFE).
- Safety Switch up (ARMED), and ready to deploy.
- Do not block the safety switch on the side of the M26C while attempting to move it on the other side. This can break the safety switch and disable the ECD.



BATTERIES

The M26C uses 8 AA batteries. TASER International recommends Duracel® Ultra alkaline batteries or Energizer® Nickel Metal Hydride (NiMH) rechargeable batteries.

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BATTERY COVER
The battery cover is released by depressing the metal plunger and then sliding the cover forward.



POWER INDICATOR
The M26C has a red LED to indicate power is available to the ECD. The LED operates only when the safety switch is in the up (ARMED) position. The LED either flashes or is steady. No illumination in the LED indicates a malfunction or dead batteries. The LED is only an indication of power to the circuit and does not necessarily mean that there is enough power to create an electrical charge, even if the laser appears to operate normally. The only valid indicator of adequate battery strength is the spark test.



LASER
The M26C has a LASER sight to aid in aiming. The LASER sight indicates the point of impact of the top probe, typically within three inches.

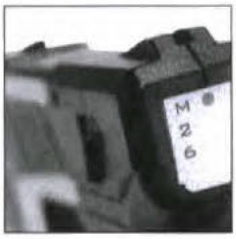


TRIGGER
Unlike a firearm trigger, the M26C trigger is a momentary electrical switch. The switch is operational only when the safety switch is in the up (ARMED) position. Depressing and immediately releasing the trigger will result in a 5 second discharge. The automatic 5 second discharge can be stopped at any time by positioning the safety switch to the down (SAFE) position. Continuously holding the trigger switch for more than 5 seconds will result in a continuous discharge until the trigger switch is released, or until the batteries are depleted.

See USING THE TASER X26C section for more information.

WARNING: In the event of an accidental discharge, immediately move the safety switch to the down (SAFE) position to stop the discharge cycle.

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MECHANICAL SIGHTS

The mechanical sights on the M26C are molded to provide manual aiming of the ECD.



ELECTRODES

The front of the M26C contains two metal electrodes. These electrodes direct the charge to the electrodes on the cartridge to initiate deployment of the probes. In addition, the electrodes provide the ability to use the M26C in a "drive-stun" mode as a traditional stun-gun type device.



TASER CARTRIDGES

15-foot cartridges are available for the M26C ECD.

AVOIDING UNINTENTIONAL DISCHARGE

Never attempt to open or modify a TASER cartridge. Tampering with live TASER cartridge could cause it to discharge or malfunction, which could cause a serious injury.

Handle all TASER cartridges with care. Probes may deploy unexpectedly if exposed to physical shock or static electricity, which could cause serious injury.

Additionally, the firing sequence for all TASER cartridges is designed to be initiated by an electrostatic discharge delivered by the TASER ECD. This is an important design and functional element for the TASER ECD and cartridge. However, an electrostatic discharge can come from many sources. When an electrostatic discharge, regardless of the source, contacts the front of a TASER cartridge, it is possible for the cartridge to discharge. Therefore, avoid contact between static electricity and the TASER cartridge because static electricity can cause unexpected discharge. Consequently, TASER cartridges should be kept away from conditions known to create an electrostatic discharge, such as rubbing cloth (i.e. jacket liner) across a cartridge in an environment known to create static shocks.

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Remember, although highly unlikely, it is possible for TASER cartridges to deploy outside of the TASER ECD, or in and ECD that has not been activated due to contact with an electrostatic discharge. Care should be taken to keep electrostatic discharge away from TASER cartridges.

Occasionally, blast doors may be knocked off the front of a cartridge. Because those cartridges cannot be relied upon to discharge, TASER International recommends disposing of these cartridges. TASER operators should not attempt to fire a cartridge with no blast doors on it unless they are facing an immediate threat and do not have the time or option to reload. Attempting to deploy a cartridge with no blast doors could result in a charge being created and held in the wires. Any conductive material that comes into contact with the front of the cartridge, even after the cycle has ended, could draw the charge to the ignition pin and deploy the probes.

AFID

Every time a TASER cartridge is deployed, at least 24 small confetti-like AFID tags are ejected. Each AFID is printed with the serial number of the cartridge deployed, allowing law enforcement agencies to determine the registered owner of the cartridge and track use if ever used in a criminal act.



OPERATING THE M26 DEVICE

Installing the Batteries

Battery Cautions:

- The M26C is shipped without batteries.
- To help ensure a tight connection between the batteries and contacts in the battery tray, the tray is designed with springs at both the positive and negative ends. The proper orientation is marked on the inside of the battery tray. Inserting one or more batteries with the improper polarity may result in failure of the ECD or damage to the circuitry.
- Never mix alkaline and NiMH rechargeable batteries.
- Never use batteries that are leaking or have visible signs of damage.
- Inserting a battery backwards could cause the battery to leak, overheat, and rupture.
- Installing the batteries in the wrong direction will cause irreparable damage to the M26C .

Removing the Battery Tray

1. Place the safety switch in the down (SAFE) position.
2. Remove the TASER cartridge.
3. Depress the metal plunger and slide the battery cover toward the front of the ECD.
4. Remove the battery tray. Tapping the heel of the device on the leg or palm of the hand may help release the tray from the ECD.

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Installing New Batteries:

1. Inspect the battery tray for cracks or deformities. If the battery tray is damaged and the product is under warranty than request a new battery tray from TASER International.
2. Insert the batteries in a "V" shape.
3. Verify that the batteries are in the correct orientation.
4. Verify that the safety switch is in the down (SAFE) position.
5. Verify that the TASER cartridge is removed.
6. Insert the battery pack into the M26C with the contacts facing into the handle. NOTE: they tray can only be inserted in one direction in order for the battery cover to close.
7. Install the battery cover and ensure that the cover pin is properly seated.
8. Perform a spark test to ensure proper orentation. See the SPARK TEST instructions in this manual.







REMOVE THE SHIPPING COVER FROM THE CARTRIDGE

Cartridges are shipped with a shipping cover in place. Remove these covers before attempting to load a cartridge into the M26C ECD. A cartridge cannot be loaded into the ECD with the cover in place. Once the cartridge cover is removed, it can be disposed of.

1. Before removing the covers make sure the font of the cartridge does not point at any body part or at anyone.
2. Place the cartridge with cover face down (blast door down) onto a stable/solid surface, i.e., a table.
3. Place your thumbs onto the sides of the cartridge where the wedges/electrodes are located and place your index and middle fingers onto the locking portions of the cover.
4. Push in with your thumbs and pull outward with your fingers and the cartridge will pop upward releasing it from the cover. Note: the cartridge may pop upward quickly when the pressure is released from the locking portions of the cover.

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SPARK TEST

A spark test should be conducted once every six months (as you would check your smoke detector batteries) There is no need to use an extended duration. As long as you see a visible spark between the electrodes (one-second), the M26C is functional.

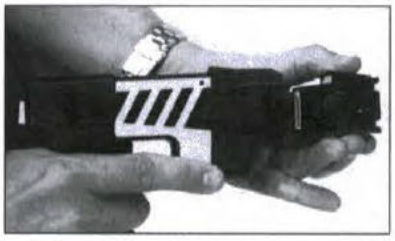
The Reasons for the Spark Test Include:

- To verify the TASER ECD is working.
- To verify that the batteries are adequately charged.
- To ensure that the components in the high voltage section of the M26C ECD are energized ("conditioned") on a regular basis.

Spark Test Instructions

1. Verify that the safety switch is in the down (SAFE) position.
2. Remove the TASER cartridge. A spark test should never be conducted with a TASER cartridge in the ECD.
3. Point the M26C in a safe direction (such as the floor) and verify that no fingers or other part of your body are in front of the ECD.
4. Place the safety switch in the up (ARMED) position.
5. Depress the trigger and confirm sparking accross the electrodes at a rapid rate.
6. Place the safety switch in the down (SAFE) position.

LOAD THE TASER CARTRIDGES



⚠ WARNING: Never place your hands or fingers in front of the cartridge serious injury could result. When loading and unloading, always hold the cartridge on the sides or top.



LOADED



UNLOADED

LOADING:

1. Verify that the safety switch is in the down (SAFE) position.
2. Point the ECD in a safe direction.
3. Place the cartridge (with the cartridge cover removed) into the front of the weapon until an audible click is heard.
4. Verify that the cartridge is secure by pulling on the sides of the cartridge.

UNLOADING:

1. Verify that the safety switch is in the down (SAFE) position.
2. Point the ECD in a safe direction.
3. Depress the tabs on the sides of the cartridge and remove.

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The TASER cartridges for the M26C ECD are specifically designed so there is no "up" or "down" position - enabling you to quickly reload one in a stressful situation without worrying about putting it in upside down.





AIMING AND PROBE PLACEMENT

Be sure not to fire at a subject who is over 15 feet or 4.5 meters away (measure 15 feet or 4.5 meters to see how far this is - it will probably be further than you think). If you do deploy at someone more than 15 feet or 4.5 meters away, the probes will not have sufficient wire to reach the target.

Normally aim the LASER of the ECD at the preferred target areas of the body such as the back or thigh areas.

⚠ WARNING: Avoid head, face, throat, or groin exposure unless your safety or the situation dictates otherwise.

EFFECTIVE TARGET ZONES



The top probe impacts the target near the beam; however, the probe impact distance from the LASER beam will vary depending on the distance between the ECD and the target.

The bottom probe impacts at an eight degree angle from the top probe. This results in a spread of approximately one-foot for every seven-feet of distance from the target. Greater probe spread increases effectiveness. If possible, a minimum four-inch spread between the probes is recommended..





Hold the M26 device so that the cartridge is vertical for an upright target.

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USING THE M26C ECD

The TASER M26C ECD is a serious, state-of-the-art defensive weapon and should be treated accordingly. Although the ECD is designed to be as non violent as possible in stopping a combatant, its use can result in injuries, including but not limited to; a probe embedded in an eye or secondary injuries related to falling.

For a full list of warnings, see www.TASER.com.

The TASER ECD is to be used only for lawful purposes, including lawful self-defense or in the defense of others. Check your state and local laws for applicable regulations. Depending on local and state laws, the TASER M26C ECD may be kept in the house for home protection, or carried in a car, purse, or backpack for personal protection when away from home. Be sure to research your local laws prior to possessing, using, or transporting the ECD (including the transporting of the ECD across state lines, where laws may vary).

A TASER ECD is not a substitute for other preventive self-protection actions such as ensuring doors are locked and parking in well-lighted areas.

DEPLOYMENT INSTRUCTIONS

1. Remove the M26C ECD from the holster and verify that the TASER cartridge is installed.
2. If a subject approaches in a suspicious or threatening manner, place the safety switch in the up (ARMED) position.
3. Aim the laser beam at the center of the attacker's torso, back, or legs.
4. Shout verbal commands to "get away," if feasible. It is possible that the subject will flee based on the noise and LASER.
5. If the subject gets within 15 feet and you have reason to fear for your safety, deploy the M26C ECD.
6. As necessary, press the trigger switch until help arrives.
7. As soon as it is safe to do so, call 911 and report the specific location of the threat.

WHAT IF I MISS?

The LASER sight is an extremely valuable aid for proper aiming. However, there is always the chance for a missed shot, especially in a dynamic, stressful situation and you must be prepared to take alternative actions to protect yourself in case of a missed shot or reduced effectiveness.

"SILENCE IS GOLDEN"

The TASER ECDs electrical current is relatively quiet when you have a successful deployment on a human or animal. Some practice targets are loud because the energy is arching in the air. If electrical current is loud during deployment and the subject is not reacting as expected, the current may be shorting out and may not be effective. Deploy a second cartridge or consider other options in that situation.

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POTENTIAL CAUSES OF REDUCED OR NO EFFECTIVENESS

- **Loose or Thick Clothing.** The current from the M26C is capable of penetrating approximately two cumulative inches of clothing, or one-inch of clothing per probe.
- **Miss or Single Dart Hit.** The current must pass between the probes. If one probe misses, a second cartridge should be deployed if practical. Additionally, using the M26C in the drive-stun mode (as described below) will also complete the circuit between the single probe and the ECD electrode.
- **Low Nerve or Muscle Mass.** If the probes impact in an area where there is very little muscle mass (e.g., the side of the rib cage), the effectiveness can be significantly diminished.
- **Limited Probe Spread.** Probe spreads of less than four-inches (including drive-stun) result in little or no effect from NMI and become primarily a pain compliance option. If a close range deployment resulting in limited probe spread does not incapacitate the subject, apply a drive-stun (as described below) to a point away from the probes. This will effectively widen the contact area and can achieve NMI.
- **Wires Break.** If a wire breaks (e.g., during a struggle), the current will not flow to the probes. Drive-stun is still available.

DRIVE-STUN BACKUP

Drive-stun capability is available with or without a TASER cartridge installed. The drive-stun mode will not cause NMI and generally becomes primarily a pain compliance option. Probe deployment is usually considered more desirable, even at close range. Some of the advantages of probe deployment include:

- Drive-stun is only effective while the front of the ECD is in contact with the subject or the subject's clothing. As soon as the ECD is moved away, the electrical circuit with the subject is broken. Deploying the probes allows the user to create distance between the user and the subject while maintaining control.
- Due to automatic reflex actions, most subjects will struggle to separate from the TASER ECD. When the TASER ECD is used in drive-stun mode and the subject struggles to get away it may be difficult to maintain contact between the ECD and the subject.
- If the probes are deployed, even at very close range, the user may be able to use drive-stun to another portion of the body that is farther away from the probes, thereby resulting in enhanced NMI effect.

If the drive-stun is not effective, evaluate the location of the drive-stun and consider an additional cycle to a different pressure point.
When using the drive-stun, push (drive) the front of the M26C ECD firmly against the body of the subject. Simply "touching" the M26C ECD against the subject is not sufficient. The subject is likely to recoil and try to get away from the stun electrodes. It is necessary to aggressively drive the front of the M26C into the subject for maximum effect.

The drive-stun works more effectively when aggressively applied to pressure points on nerve bundles. This includes the brachial area, common peronial, mastoid, and pelvic

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triangle. The M26C ECD must be actively depressed or aggressively driven into the nerve bundles in a "drive-stun" manner to be effective in drive-stun mode.

RECOMMENDED DRIVE-STUN AREAS FOR MAXIMUM EFFECT

Drive the M26C ECD into the following areas for maximum effectiveness.

- Carotid (sides of neck) (see warning below).
- Brachial plexus tie-in (upper chest).
- Radial (forearm).
- Pelvic triangle (see warning below).
- Common peroneal (Outside of thigh).
- Tibialis (calf muscle).

WARNING: Use care when applying a drive-stun to the neck or pelvic triangle. These areas are sensitive to mechanical injury (such as crushing to the trachea or testicles if applied forcefully). However, these areas have proven highly effective targets.

EFFECTS ON ANIMALS

The nervous systems of animals differ greatly from human beings. The M26C ECD is designed to be effective on a human subject. Accordingly, it will not be as effective at incapacitating an animal as it is on a human being. The M26C should not be used as sole protection from wild, uncontrollable, or attacking animals.

M26C DEVICE MAINTENANCE AND CARE

- The M26C ECD is a sensitive piece of electronic equipment and should be handled with care. Avoid dropping an M26C ECD. Do not use and M26C ECD with a cracked handle.
- The only valid indicator of battery strength is a spark test. Always perform a spark test after charging batteries.
- Alkaline batteries should be replaced when the spark rate is noticeably slower than normal. Rechargeable batteries should be recharged when the spark rate is noticeably slower than normal.
- Secure the M26C ECD in a protective holster when not in use.
- Avoid exposing the M26C ECD to excessive moisture or water.
- See the troubleshooting guide at www.TASER.com for more information.

DROPPED OR WET M26C ECD DEVICE

If your M26C ECD is dropped or gets wet, follow these instructions:

- Place the safety switch in the down (SAFE) position.
- Point in a safe direction and safely remove the cartridge.
- Remove the batteries.
- Dry the M26C ECD thoroughly (at least 24 hours).
- Reinstall the batteries.
- Place the safety switch in the up (ARMED) position.
- If the M26C ECD discharges without pulling the trigger, remove the battery tray and return the M26C ECD to TASER International immediately.

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- Spark test for a full 5 seconds.
- If the M26C ECD does not function properly during the spark test, contact TASER International for repair and warranty information.
- If the spark test is normal, you may continue to use the M26C ECD.

BATTERY RECONDITIONING USING NiMH RECHARGEABLE BATTERIES

Normal recharging requires only one charging cycle. In addition, TASER International recommends that rechargeable batteries be reconditioned at least ever six months. The reconditioning procedure is included in the operating instructions for the M26C ECD battery recharger unit.

TASER ONLINE TROUBLESHOOTING GUIDE

A troubleshooting guide is available by visiting the TASER Web site at www.TASER.com. If you need product support on accessories or have any other questions, please contact customer service at:

U.S.: 1.800.978.2737 or 1.480.905.2000
International: +1.800.978.2737 or +1.480.905.2000

WARRANTY

For warranty information please see the product warranty included with this product or view it online at www.TASER.com.

⚠ **WARNING:** If the TASER ECD has been exposed to bodily fluids or other bio-hazards, please contact the customer service department at 1.800.978.2737 or 1.480.905.2000 prior to returning the ECD to TASER International.

WARRANTY REPAIR PROCEDURE

Please access and review the online troubleshooting guide on TASER Internationals web site at, www.TASER.com/support before seeking warranty service. If internet access is not available, then contact TASER International by mail or toll-free telephone number 800.418.9283 or +1.480.905.2000 (for International callers). If the product is still not functioning properly after making use of these resources, please follow the warranty repair procedure outlined in the product warranty.

OPTIONS

DATA DOWNLOAD KIT

Optional data download kits are available to permit access to the deployment information in the M26C ECD memory. The M26C ECD has a download function which provides documentation of the date and time of each ECD firing. The M26C ECD download interface uses a serial adapter to connect to any Windows® 98, 2000, XP or Me computer. The cable connects to the M26C ECD through a dataport plug.

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BATTERY CHARGER AND RECHARGEABLE BATTERY PACK



TASER International offers a NiMH battery charger that is specifically designed for use with the M26C ECD. The charger allows charging of a battery pack without removing the batteries from the battery tray. It also allows charging of the batteries while the battery tray is in the ECD through use of a custom cable from the charger to the M26C ECD dataport. Rechargeable, self-contained batter trays are also available. See more at www.TASER.com for complete information.



BLADE TECH HOLSTERS

The M26C ECD ships without a holster. A variety of holsters and accessories are available including cartridge carriers and quick-release BladeTech Tek-Lok™ belt clips.

ADDITIONAL INFORMATION

New TASER brand products are under development. Visit www.TASER.com for the latest information on TASER products. Material Safety Data Sheets (MSDS) for lithium batteries and TASER cartridges are available at www.TASER.com or by contacting TASER International.

LEGAL RESTRICTIONS

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF) has classified our TASER M26- and X26-series devices as non-firearms because they use compressed gas, rather than explosives to launch the projectiles. Because TASER M26- and X26-series ECDs are not firearms, they may be carried without a permit in certain jurisdictions (check your state and local laws for permit requirements in your area). The TASER ECD is restricted from possession by consumers in the following states: Washington DC, Hawaii, Massachusetts, Michigan, New Jersey, New York, Rhode Island, and Wisconsin. Additionally, several counties and cities also place restrictions on ECD possession. Check www.TASER.com for a list of known state and local laws concerning TASER ECDs. Because state and local laws may change, be sure to research the applicable laws in your area prior to possessing, using, or transporting the ECD.

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CUSTOMER SERVICE:

U.S.: 1.800.978.2737 or 1.480.905.2000
International: +1.800.978.2737 or +1.480.905.2000

www.TASER.com

TASER

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Memorandum

San **Francisco Police Department**

To: A/Captain Alexa O'Brien#1005
Commanding Officer
Major Crimes

APPROVED YES NO

Lt. A. O'Brien #1005 ☑ ☐

From: Inspector John Cagney #341
Homicide Division

CMDR. TONEY CHAPLIN #951 ☐ ☐

Date: 05/15/15

Subject: Homicide Detail, Officer Involved Shooting, Criminal Investigation Report
OIS #14-03, SFPD Case #140240512

TYPE OF INCIDENT:
Officer Involved Shooting
Date & Time: 03/21/14, 1911 hrs
Location: Bernal Heights Park
SFPD Case Number: 140240512
Assigned Investigator: Insp. John Cagney #341

MEMBERS INVOLVED:
Sergeant Jason Sawyer #1124
Date of hire: [redacted]
Co. H
Officer: Richard Schiff #1968
Date of hire: [redacted]
Station: Co. H
Officer Roger Morse #1923
Co. H
Date of Hire: [redacted]
Officer Nathan Chew #2088
Co. H
Date of hire: [redacted]

SUSPECT;
Alejandro Nieto WMA [redacted]
SF# N/A
CA DL# [redacted]

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SUPERVISING OFFICERS AT SCENE:.
Capt. Falvey #1071
Lt. Delgadio#758
Sgt.Riskin #1915
Sgt. Chan #1484
Sgt. Flaherty #987
Sgt. Lalor #873

BUREAU OF INVESTIGATIONS:
Captain Jason Fox#788
Insp. Cagney#341
Insp. Bonner#1099
Sgt. Burke#2240

INTERNAL AFFAIRS DIVISION:.
Lt. Yick#1264
Sgt. Crudo #1694

CRIME SCENE INVESTIGATIONS:
Lt. Yee#1298
Insp. Shouldice#2054
Ofc. Rodelas#729
Ofc.Roude#1974
Ofc. Nibingco#2390

DISTRICT ATTORNEY'S OFFICE:. .
A.D.A. Sundalrijan
Inv. Posada

SIGNIFICANT EVENT TIMELINE:
19:11:47 HRS 911 LMA BRIGHT RED JACKET 6-1 200 BLK PANTS HAS A GUN ON HIS HIP
19:12:15 HRS A 221 BERNAL HEIGHTS PARK
19:12:16 HRS 3H104 E/R
19:12:30 HRS SUPP MALE STANDING ON THE NORTH FACE OF HILL
19:12:33HRS 3H15D E/R
19:12:46 HRS SUPP MALE PACING BACK AND FORTH NEAR CHAIN LINK FENCE BY A BENCH
19:14:16 HRS SUBJ IS STILL 97 HE IS EATING CHIPS OR SUNFLOWERS BUT RESTING HIS HAND ON HIS GUN
19:15:53 HRS 3H104 10-97 SEARCHING
19:17:22 HRS SUPP SUBJECT IS NOW WALKING DOWN HILL

19:18:21 HRS SUPP THERE IS A ROAD THAT GOES INSIDE THE PARK HE IS ON THAT ROAD TOWARDS FOLSOM PER R/P
19:18:52 HRS 3H104 SHOTS FIRED
19:19:09 HRS 3H104 O.I.S. 217
19:20:06 HRS SIC CODE 4

INCIDENT OVERVIEW:

On 03/21/14, at approximately 19:11 hrs, the San Francisco Department of Emergency Management 911 dispatch center received a cell phone call reporting a Latin male in a bright red jacket, black pants, 6-1, 200 pounds, with a gun on his hip, was inside Bernal Heights Park. S.F.P.D. Dispatch broadcasted an "A" priority 221 (firearm) call with the location and description of the suspect. 3H104, Sgt. Sawyer and Officer Schiff responded to the call, as did several other Ingleside units including 3H15D, Officers Morse and Chew. Dispatch continued to update the location and actions of the suspect as S.F.P.D. units were en-route.

Sawyer and Schiff arrived on the north side of the Bernal Heights Park access road at approximately 19:15 hrs and broadcasted their arrival and location. Sawyer and Schiff drove W/B up the access road and observed Alejandro Neito walking E/B down the access road towards them. Sawyer and Schiff saw that Neito matched the description of the reported armed suspect broadcasted 4 minutes before. Sawyer also noted a bulge visible underneath Neito's jacket that was consistent with a firearm. Sawyer directed Schiff to stop their fully marked S.F.P.D. radio car on the access road, halting approximately 90 feet away from Nieto. Sawyer and Schiff took cover behind the doors of the radio car. Sawyer saw Neito raise his arms enough to where he could clearly see what appeared to be the holstered firearm on Neito's right side. Sawyer and Schiff drew their firearms and ordered Neito to show his hands. Nieto refused and drew the weapon holstered at his hip pointing the weapon directly at Sawyer and Schiff. Sawyer saw what he believed to be a red laser sight aimed in their direction. Sawyer and Schiff believed Neito was preparing to shoot them and both fired numerous rounds at him. Neito went to his knees and then to a prone position still holding the weapon in a firing position. As Neito transitioned from a standing to prone position, Schiff also saw the red laser sight pointed in their direction.

3H15D, Officers Morse and Chew also responded to the 221 call. While Morse and Chew drove their marked S.F.P.D. unit up the north access road, they heard numerous gunshots and saw both Sawyer and Schiff behind their car doors. Chew and Morse saw both Sawyer and Schiff engaging Neito who was in a prone firing position further up the road. Chew saw the red laser light being pointed in their direction and Morse saw muzzle flashes. Chew and Morse took cover behind their radio car doors and also fired numerous rounds at Neito.

The officers ceased firing after Nieto was no longer pointing his weapon at them. Sawyer, Schiff, Morse, and Chew took Neito into custody, rendered aid to him and requested medical assistance. S.F.F.D. paramedics pronounced Neito dead at the scene. A M26C Taser pistol was found next to Neito with its electronic prongs extended in the direction of

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the officers. This Taser pistol was consistent with the empty tactical holster on Neito's right side.

SUMMARY OF OFFICER STATEMENTS

Sergeant Jason Sawyer #1127 was the initial ranking officer at the scene. Sawyer stated during his interview with Homicide Inspectors that he was acting as a Field Training Officer for 3rd phase Officer Schiff. Sawyer stated that he was the passenger of the marked radio car when he heard the 221 broadcast. Sawyer advised dispatch they were en-route. Sawyer stated that he and Schiff discussed various tactics that officers can employ when responding to armed suspect calls as a training aid while they responded to the "A" priority run. Sgt. Sawyer stated upon arrival they observed a suspect matching the description of the armed suspect walking down the access road towards them. Sawyer directed Schiff to stop the vehicle 25 to 30 yards away from Neito and take cover behind the doors. Sawyer stated that he saw a bulge under Neito's jacket that he believed was a firearm. Sawyer said Nieto was still walking in his direction when he commanded him to show his hands. Sawyer stated that he gave commands for Neito to show his hands several times and Nieto did not comply. Sawyer stated that he heard Nieto shout back "show me your hands". Sawyer stated that Neito then took a shooting stance and drew a weapon from a holster on his right side and pointed at him and Schiff. Sawyer stated that as he saw the weapon come up he saw a red laser sight. Sawyer stated that he felt his life and Schiff's life were in immediate danger and that Neito was going to shoot them. Sawyer stated that he fired numerous rounds at Neito and watched Neito go first to his knees and then to a prone firing position, keeping his weapon pointed at him and Schiff the entire time. Sawyer stated that when Neito stopped moving and was no longer pointing the weapon at the officers he ceased firing and ordered the other officers to cease fire as well. Sawyer stated that he led the officers to tactically approach Neito and take him into custody. Sawyer observed that the weapon still in Nieto's hand was not a firearm but a Taser that closely resembled a firearm. Sawyer requested medical assistance for Neito and notified dispatch of the situation.

Officer Richard Schiff #1968 stated during his interview with Homicide Inspectors that he and his training sergeant Jason Sawyer responded to a 221 gun call at Bernal Heights Park. Schiff was the driver of the marked radio car. While responding, Schiff stated that he and Sawyer went over several possible tactical options on how to safely handle a 221 call. Upon arrival Schiff stated that he drove around the barrier at the bottom of the north access road and drove slowly up the hill. Schiff stated that he saw a male who matched the description of the 221 suspect walking down the hill towards him. Schiff stated that Sawyer told him to stop the car and take cover behind the doors. Schiff stated that as he did so he could see what he believed to be a firearm holstered on Neito's right hip. Schiff drew his firearm and ordered Neito to show his hands several times. Schiff said Neito refused, yelling back to them to show their hands instead. Schiff stated that he saw Neito draw the firearm and take what he believed to be a military style firing stance, pointing the weapon at him and Sawyer. Schiff stated that he was in fear of his life and fired numerous rounds at Neito to protect himself and Sawyer. Schiff said he continued shooting at Neito as Neito went to a prone firing position. Schiff said he then saw the red laser sight as Neito continued to point the weapon at him. Schiff stated that he believed that Neito had dropped to the prone position to offer a smaller target as he engaged them. Schiff stated that after Sawyer's cease fire

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order he assisted in taking custody of Neito. Schiff said he checked Neito for vital signs in effort to render aid.

Officer Nathan Chew #2088 stated during his interview with Homicide Inspectors that he and Officer Morse had driven past several S.F.P.D. officers who were running up the hill on foot when he first saw Neito in the middle of the road ahead of him. Chew said he heard several shots and immediately stopped slightly behind and to the right of Sawyer's and Schiff's radio car. Chew stated that as he exited the marked radio car, he heard several other shots and saw Neito in a prone position with his arm extended in a firing position. Chew said he believed Neito was aiming at him when a red laser light crossed his eyes. Chew stated that he believed he was being shot at and fired numerous rounds at Neito to stop him from shooting at them. Chew said after Sawyer directed them to cease fire and take Neito into custody, he handcuffed him.

Officer Roger Morse #1923 stated during his interview with Homicide Inspectors that he heard shots being fired as he exited the radio car when he and Chew arrived on scene. Morse stated that he saw Neito laying prone up the hill with his arms extended, holding what he believed to be a black semi-auto pistol. Morse said he heard more gunshots and saw what he thought were muzzle flashes as Neito moved the gun up and down while pointing it in his direction. Morse stated he was in fear for his life and he fired numerous rounds at Neito in self defense. Morse stated that after Sawyer had ordered them to cease fire he approached Neito and kicked what he could then see was a large black Taser out of his hand.

All four officers were in full Class B uniform with all issued safety equipment. Both S.F.P.D. radio cars, V-125 and V-130 were fully marked with standard equipment.

No other S.F.P.D. personnel witnessed the shooting incident itself.

FOLLOW-UP INVESTIGATION

A criminal history check of Neito revealed no arrest history. Neito had two documented S.F.P.D. detentions in 2011, both for [redacted] Neito had also been detained for a similar incident in Santa Clara County that same year.Homicide Inspectors interviewed Neito's family members who reported [redacted] On [redacted], Nieto allegedly used a Taser device to assault a former friend. This incident was still under investigation at the time of his death.

WITNESS STATEMENTS

The civilian witness who made the original 911 call reporting an armed subject was interviewed by Homicide Inspectors at Co. H The 911 caller's companion who also saw Nieto prior to the shooting was interviewed at Co. H His statement was consistent with the 911 caller. Neither witness saw the actual shooting. No other witnesses were located during this investigation who witnessed the shooting itself.

Two other civilian witnesses were interviewed at a later date who confirmed that Nieto was armed with what both initially thought was a firearm. One of witnesses stated during his

interview with Homicide and District Attorney Investigators that Nieto was acting in an aggressive and erratic manner in the minutes before his encounter with police.

LAB WORK COMPLETED

S.F.P.D. Crime Lab Firearms Section examination of the submitted four Department issued Sig Sauer P-226 semi-auto pistols determined that the weapons were functional, within Department specifications, and matched the 48 fired casings recovered at the crime scene. An examination of round counts in each of the officers issued magazines indicated a total of 59 rounds expended. An examination of the submitted ammunition was found to be Department issue.

S.F.P.D. Crime Lab Examination of submitted D.N.A. testing materials collected from Nieto and the M-26C Taser indicated that Neito was the major contributor to the profile developed.

San Francisco District Attorney's Office examination of the M-26C Taser found the device to be functional with the wires discharged. The laser sight was found to be functional. An examination found that the Taser had stored its activation record in its internal log. This log indicated three activations, all on 03/21/14, and all within 31 seconds of each other. These activations were consistent with the time line of the shooting incident itself.

San Francisco Medical Examiner's Office examination of Neito's body determined that he died of multiple gunshot wounds to his front. Further examination revealed THC levels of 6 and 17 ng/mL in his blood at the time of his death.

DISTRICT ATTORNEY'S OFFICE

The San Francisco District Attorney's Office declined to file criminal charges against Sergeant Sawyer and Officers Schiff, Chew and Morse, determining that their use of force in self defense, and the defense of others, was within the law.

CONCLUSION

I recommend that S.F.P.D. case 140240512 be closed as S.F.P.D. clearance code 13

SFDPA - 0179-14 - 001116

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17	REPORT OF LABORTORY EXAMINATION FIREARMS EXAMINATION
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SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER: 140240572

TYPE OF INCIDENT: OFC. Involved Shooting

LOCATION: Bernal Heights

DATE/TIME OF INCIDENT: 1911hrs. 03/22/14

OFFICER MAINTAINING LOG: GARON — STAR: 0684 — DATE/TIME LOG STARTED: 1930 hrs.

RELIEF OFFICER: — STAR: — DATE/TIME:

TIME IN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
1900	5V65 - Ortega #1970	1970		2030
1900	OFC. Landi #1746	5V60		2030
1900	OFC. O'KEEFFE #1962			2030
1900	OFC. HUNT #1970	5V64		2030
1930	SGT. Hall #567	470		2030
1930	SGT. Alvarez # 19			2030
"	LT. Hargass #2184	30204		2030
	SGT. RISKIN #1915			0130
"	SGT. CHAN #1484			2030
"	SGT Chambers #97			2030
"	SGT. Sheehan			2045
	SGT. Walker #1121			2030
1948	GABRIEL # 2296			2020
1948	SGT. BENZINGER 356			2020
1949	OFC. OSUNA #2141			2020
1950	OFC OLIVER LIM #2001			2020
1950	LT. Mar #1829			2020
1950	LT. Delgado #758			
1950	D.C. Suarez #1667			2050
1950	D.C. Tomich #113			2050
1950	LIM #204.			2302
1950	OFC. BUCKLEY #1537			2030
2000	SGT STEGER #2782			2030
2000	OFC ADAMZA #4239			2030
2001	OFC. MARTIN #1445			2030
2001	OFC. Calaunan #2351			2030
2001	DELAO #173			2030
2001	SNADON #1644			2030

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SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER: 140 246 572

TYPE OF INCIDENT: 6 fc. INVOLVED Shooting

LOCATION: BERNAL Heights park

DATE/TIME OF INCIDENT: 1911 03/22/14

OFFICER MAINTAINING LOG: GARCIA 1664 STAR:

DATE/TIME LOG STARTED: 1930 hrs 03/22/14

RELIEF OFFICER: STAR:

DATE/TIME:

TIME IN	NAME		POSITION/TITLE	REASON FOR ENTRY	TIME OUT
2015	MOSER	1434			2130
2015	CAPT. FAHY	1071			2130
2020	Insp. Shauldice	2054	SLG		0045
2020	OFC N/BUNGCO	2390	SL19		0045
2020	K. COPELAND	729			2205
2020	Rouppe	1974	SL52		0045
2025	Sgt. GLOVER	1298			2257
2025		321			2228
2028		SH23			2228
2035	FOX - CAPT. FOX	788			2228
2040	O'REILY	991	4K2A	DRAWING/mapping	0106
2045	BURKE	2240	Hami5X107		2055
2045	BLYER	1489	5H200		2055
2050	BENZ SFFD	ENG.21	UTL. UNIT1		0045
"	THORNTON SFFD		UTL. UNIT1		0045
"	WONG SFFD		UTL UNIT		0045
"	PHAN SFFD		UTL UNIT1		0045
"	WOON #1852		LEGAL		2224
2055	CBONNER. #1099		5H12		2240
2100	YICK #1264		IAD		2240
2100	Rodriguez #1204				2240
2100	Campbell #T59		180		2224
2100	Irvine #7019			DA	2105
2100	Fernandez #113		1C81	ME	2343
2100	PANNING #119		1C81	ME	2343
2005	Ed MCMAHON #201			OCC	2224
2005	BALTAZAR, EMT #101			OCC	2224
	Ferrigno, CAPT #290				2224

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SFPD 28(4/92)

SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER: 140240512

TYPE OF INCIDENT: Ofc. INVOLVED shooting

LOCATION: Bernal Heights Mtn.

DATE/TIME OF INCIDENT: 03/22/14 1911 HRS

OFFICER MAINTAINING LOG: BARROW | STAR: 1654 | DATE/TIME LOG STARTED: 1930

RELIEF OFFICER: | STAR: | DATE/TIME:

TIME IN	NAME		POSITION/TITLE	REASON FOR ENTRY	TIME OUT
2015	OLKOWICZ	443	4C1	mapping/drawing	~~0045~~ 2225
2120	CRUDO, JOHN	1694	OIS		2225
2130	POSADA		PA		2225
2130	SUNDAKIJAN		ASST. D.A		2225
2145	Dr. HART	100	M.E OFFICE		2228
	~~HAIRALEZ~~	~~14~~			
2244	~~WILL REYES~~		~~CRISIS RESPONSE~~	DID NOT ENTER SCENE	2244
~~2244~~	~~Bethany BROWN~~		~~CRISIS RESPONSE~~		2244
2250	HANSCARRIAGE	2392			0125
2535		729	HOMICIDE		0045

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SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE # 140-240-512

DATE /TIME RECEIVED: 03/21/14 19:30

DATE / TIME REQUESTED: ASAP

OFFENSE: OIS	ARREST MADE ☐	REQ BY: SGT. RISKIN	STAR: 1915	UNIT: 3H109	N/R CARD LEFT ☐	DATE/TIME: /
COMPLAINANT: SFPD		PHONE:			RUNDATE: 03/21/14	ARRIVAL TIME: 21:15
LOCATION OF RUN: 251 BERNAL HEIGHTS BLVD (BERNAL HEIGHTS PARK)					CSO / STAR: R. ROUEDE/1974	
REMARKS / INSTRUCTIONS					CSO / STAR: INSP. SHOULDICE	

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

PLEASE REFER TO FULL CSI REPORT

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☒ FIREARM INFORMATION REPORT (235A)
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☒ EVIDENCE INVENTORY (235E)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☒ CRIME SCENE REPORT / NOTES
- ☒ CRIME SCENE DIAGRAM
- ☒ X & Y COORDINATES
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0179-14 - 001122

San Francisco Police
Crime Scene Investigations Unit
Scene Observations/Notes

Case Number:
140-240-512

Location:
251 BERNAL HEIGHTS
(BERNAL HEIGHTS PARK)

Date:
03/21/14

Time:
21:15

CSI:
R. ROUEDE #1974

Observations:

On 03/21/14 at approximately 19:30 hrs, Insp. Shouldice #2054 was notified by Department Operations Center (DOC) regarding an Officer involved shooting that had occurred in Bernal Heights Park. Insp. Shouldice, Off. Rodelas #729, Off. Nibungco #2390 and I responded out to process the scene.

We arrived on scene at approximately 21:15 hrs, at which time it was dark out and very windy. Additional light sources were necessary for us to do a thorough inspection of the crime scene. Officers on scene had set up an exterior perimeter at the base of Bernal Heights Park, as well as an interior perimeter further up the hill. Crime scene tape bordered all perimeters as well as uniformed officers standing post. A uniformed officer maintained the crime scene log at the innermost perimeter.

As I entered the crime scene, I was immediately approached by Sgt. Hall #567 who advised that he had placed a cover on top of the deceased and used weighted objects (rocks) to prevent some money from blowing away. It was incredibly windy at this time, and just as Sgt. Hall was informing me of this, I noticed a dollar bill moving eastwards towards my foot. All CSI's on scene immediately took action to prevent any and all money from blowing away. U.S. currency in a variety of denominations was collected from the immediate area, all of which was east (downhill) from the deceased. I secured the currency in a money envelope. While searching for money that had blown away, I collected a bus transfer that appeared to have blown downhill, in the same direction as some of the money. This transfer had to be seized immediately to prevent it from blowing away. It was later booked into evidence.

Due to the blanket of darkness covering the entire area, the Fire Department was contacted and responded to illuminate the scene with flood lamps.

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RKL1974

Scene Description

The area where the incident occurred included a utility road leading westward up into Bernal Heights Park, on the Folsom St side. The roadway was wide enough to fit two lanes of traffic, with a hill to the south, and a trail/downward slope to the north. Grass and shrubbery lined both sides of the roadway. There were no streetlamps illuminating this area.

Within the crime scene there were two marked patrol vehicles, multiple cartridge casings, police firearm magazines, the body of a deceased male, and items that were on or near his person at the time of the incident.

Vehicle's involved

Both marked patrol vehicles were parked facing westbound, staggered in the roadway, with engines running, and both spot lamps and light bar (solid white) activated.

The patrol car furthest west was parked close to the south upward slope/hill. This vehicle was marked patrol vehicle #130 (CA/1365931). All four doors of the vehicle were closed with the front driver side window rolled up and the front passenger side window rolled down. For purposes of this report I will refer to this vehicle as ("vehicle 130").

The patrol vehicle parked further northeast of vehicle 130 was marked patrol vehicle #125 (CA/1341049). This vehicle was parked closest to the north path and downward slope. All four doors of this vehicle were closed, with all four windows rolled up. For purposes of this report I will refer this vehicle as ("vehicle 125").

Evidence

There were a scattered number of cartridge casings surrounding both vehicle 125 and 130. These casings were marked 1-18, 20, 22 through 28, and 30 through 47. One casing was located on the driver's seat of vehicle 130 (marked 65). In the same vehicle, one casing was found on the driver's side floor board (marked 66), as well as one on the front passenger seat (marked 48).

Two firearm magazines (marked 19 and 21) were located on the ground, just south of vehicle 130's front driver side door. One firearm magazine (marked 29) was located on the ground just north of the front passenger side door (vehicle 130).

One additional cartridge casing was located in the grassy area near Marker #40, this casing was not photographed as it was discovered after the initial photographs were taken and evidence marker's collected. The casing was collected and booked by Off. Nibungco.

The number of cartridge casings located on scene totaled 48, with a total of 3 firearm magazines. Please refer to the Crime Scene Diagram and co-ordinates for the exact positioning of said casings and magazines.

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The body of a deceased male was located further westwards, up the hill, from the patrol vehicles. The deceased was on his back, with his head facing east and his feet west. There was a significant amount of blood pooled underneath his head, and flowing eastwards with gravity. Just to the south of the deceased's head was another bloodstain. Lying in this blood was the left lens to a pair of eyeglasses (marked 57). This lens appeared to have a hole in it. Between the deceased and the south hill were a set of partial shoe prints in blood.

Surrounding the body of the deceased, as well as further east downhill, were a number of items that may have belonged to the deceased. Some of these objects might have been moved prior to our arrival by the strong winds or officers in an attempt to render the scene safe. Two cigarette's (marked 50 & 52) were found southeast of the deceased, as well as a packet of cigarette's (marked 51). Rocks were placed on top of these items to prevent them from being moved by the wind. A black and white "SF" baseball cap (marked 53) was located southeast of the deceased. It appeared to have a bullet defect in it. Just north of the baseball cap were folded up papers from a magazine/newspaper. Two taser pins (marked 54 & 55) were located, east of the folded papers and baseball cap. These taser pins were attached to wires that led to a taser (marked 63) which was further northwest. This taser was the shape of a firearm, with a handle and barrel, and had yellow markings on the lower portion of the barrel. On the right hip of the deceased, attached to his belt, was a black taser holster (marked 62). Just below this holster, located beneath his right leg was a wadded up brown paper bag (marked 64). A black lighter (marked 58), pepper spray (marked 59), & eye drop bottle (marked 60) were on the ground to the north, between the deceased and the path. On the ground, close to the left pants pocket of the deceased, were a lighter, pepper spray, and aviator sunglasses (all marked 61).

The remnants of a half eaten burrito were also located by the left foot of the deceased. This burrito was photographed in place, but not numbered or seized due to its lack of evidentiary value and it's perishable nature.

Chief Medical Examiner Hart responded out to inspect and collect the body of the deceased. When the deceased was turned over, I observed that his wrists had been handcuffed behind his back. Per the direction of Dr. Hart Insp. Shouldice seized these handcuffs and later booked them into evidence. The Medical Examiner also noted that the deceased had a set of handcuffs in his left rear pants pocket.

Released to the Medical Examiner on scene were the cell phone and keys of the deceased, which were later located when the body was moved. All U.S. Currency collected on scene was seized by the M.E., as well as the baseball cap (53), eyeglasses w/broken lens (57), and the taser holster (62) that was attached to his belt.

Officers Olkiewicz #443 & O'Reilly #991 of the Traffic Collision Investigations Unit (TCIU) responded out to map and diagram the scene, with the use of the "Total Station."

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Insp. Shouldice assisted in the numbering, collecting, and booking/processing of evidence on scene. Off. Rodelas videotaped the scene, while Off. Nibungco took photographs and also assisted in the collection of evidence.
Off. Rodelas subsequently responded out to Ingleside station to photograph all officers involved in the shooting incident, and seize their firearms/magazines. Off. Rodelas later photographed, documented, and booked said firearms evidence.

SFDPA - 0179-14 - 001126

INCIDENT NUMBER: 140 240 512	
LOCATION: HOJ	DATE: 032314
C.S.I.: NIBUNGCO	STAR: 2390

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 1 OF 7

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
2	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
3	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
4	CASING "WIN 40 S&W" UNDER SFPD #125	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
5	CASING "WIN 40 S&W" UNDER SFPD #125	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
6	CASING "FEDERAL 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
7	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
8	CASING "WIN 40 S&W	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
9	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
10	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
11	CASING "WIN 40 S&W" UNDER SFPD #125	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
12	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

SFDPA - 0179-14 - 001127

INCIDENT NUMBER: 140 240 512	
LOCATION: HOJ	DATE: 032314
C.S.I.: NIBUNGCO	STAR: 2390

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 2 OF 7

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
13	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
14	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
15	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
16	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
17	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
18	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
19	MAGAZINE "SIG SAUER/P226/.357/.40"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
20	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
21	MAGAZINE "SIG SAUER/P226/.357/.40"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
22	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
23	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
24	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

SFDPA - 0179-14 - 001128

INCIDENT NUMBER: 140 240 512		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING EVIDENCE PAGE 3 OF 7
LOCATION: HOJ	DATE: 032314	
C.S.I.: NIBUNGCO	STAR: 2390	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
25	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
26	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
27	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
28	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
29	MAGAZINE "SIG SAUER/P226/.357/.40"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
30	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
31	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
32	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
33	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
34	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
35	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
36	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

SFDPA - 0179-14 - 001129

INCIDENT NUMBER: 140 240 512	
LOCATION: HOJ	DATE: 032314
C.S.I.: NIBUNGCO	STAR: 2390

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 4 OF 7

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
37	CASING "FEDERAL 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
38	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
39	CASING "FEDERAL 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
40	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
41	CASING "FEDERAL 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
42	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
43	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
44	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
45	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
46	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
47	CASING "WIN 40 S&W"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
48	CASING "WIN 40 S&W" F/P/SEAT SFPD #130	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

SFDPA - 0179-14 - 001130

VR1974

INCIDENT NUMBER: 140 240 512	
LOCATION: HOJ	DATE: 032314
C.S.I.: NIBUNGCO	STAR: 2390

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 5 OF 7

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
49	LOOSE CIGARETTE	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
50	LOOSE CIGARETTE	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
51	CIGARETTE PACK	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
52	LOOSE CIGARETTE	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
53	BASEBALL CAP	BERNAL HEIGHTS PARK	M.E.	R	N/A	N/A	N/A
54	TASER PIN	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
55	TASER PIN	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
56	NEWSPAPER (BLOODY)	BERNAL HEIGHTS PARK	2390	D/B/F	N/A	N/A	032314
57	EYEGLASSES & BROKEN LEFT LENS	BERNAL HEIGHTS PARK	M.E.	R	N/A	N/A	N/A
58	BIC LIGHTER	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
59	PEPPER SPRAY CANISTER	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
60	EYEDROP BOTTLE "VISINE"	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME
53	BASEBALL CAP	2390	M.E. HART	032114	2200
57	EYEGLASSES & BROKEN LEFT LENS	2390	M.E. HART	032114	2200

SFPD 235E (08/08)

SFDPA - 0179-14 - 001131

INCIDENT NUMBER: 140 240 512		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING EVIDENCE PAGE 6 OF 7
LOCATION: HOJ	DATE: 032314	
C.S.I.: NIBUNGCO	STAR: 2390	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
61	LIGHTER	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
61A	PEPPER SPRAY	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
61B	SUNGLASSES	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
62	TASER HOLSTER ON BELT	BERNAL HEIGHTS PARK	M.E.	R	N/A	N/A	N/A
63	TASER GUN	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
63A	(6) SWABS FROM GRIP OF TASER	BERNAL HEIGHTS PARK	2390	B/F	N/A	N/A	032314
64	BROWN PAPER BAG, UNDER RIGHT KNEE	BERNAL HEIGHTS PARK	2390	D/B/F	N/A	N/A	032314
65	CASING "WIN 40 S&W" DR/SEAT SFPD #130	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
66	CASING "WIN 40 S&W" D/S/FLR SFPD #130	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
67	CASING "WIN 40 S&W" NEAR # 40 (NO #)	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
68	BUS TRANSFER (NO #)	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314
69	HANDCUFFS TAKEN OFF OF SUSPECT	BERNAL HEIGHTS PARK	2390	B	N/A	N/A	032314

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME
62	TASER HOLSTER ON BELT	2390	M.E. HART	032114	2200

SFPD 235E (08/08)

SFDPA - 0179-14 - 001132

INCIDENT NUMBER: 140 240 512	
LOCATION: HOJ	DATE: 032314
C.S.I.: NIBUNGCO	STAR: 2390

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 7 OF 7

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

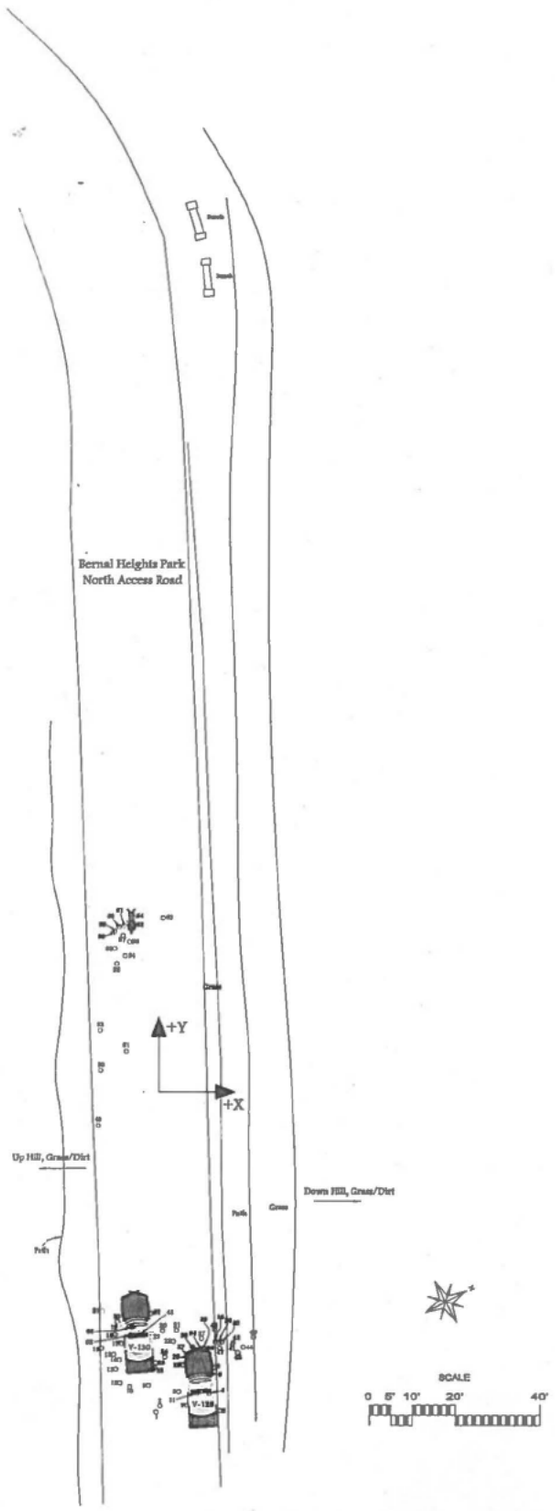
ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
70	UNK AMT OF PAPER US CURRENCY (NO #)	BERNAL HEIGHTS PARK	M.E.	R	N/A	N/A	N/A
71	CELLPHONE&KEYS UNDER SUSP JACKET NO #	BERNAL HEIGHTS PARK	M.E.	R	N/A	N/A	N/A

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME
70	UNK AMT OF PAPER US CURRENCY	2390	M.E. HART	032114	2200
71	CELLPHONE & KEYS UNDER SUSP JACKET NO #	2390	M.E. HART	032114	2200

SFPD 235E (08/08)

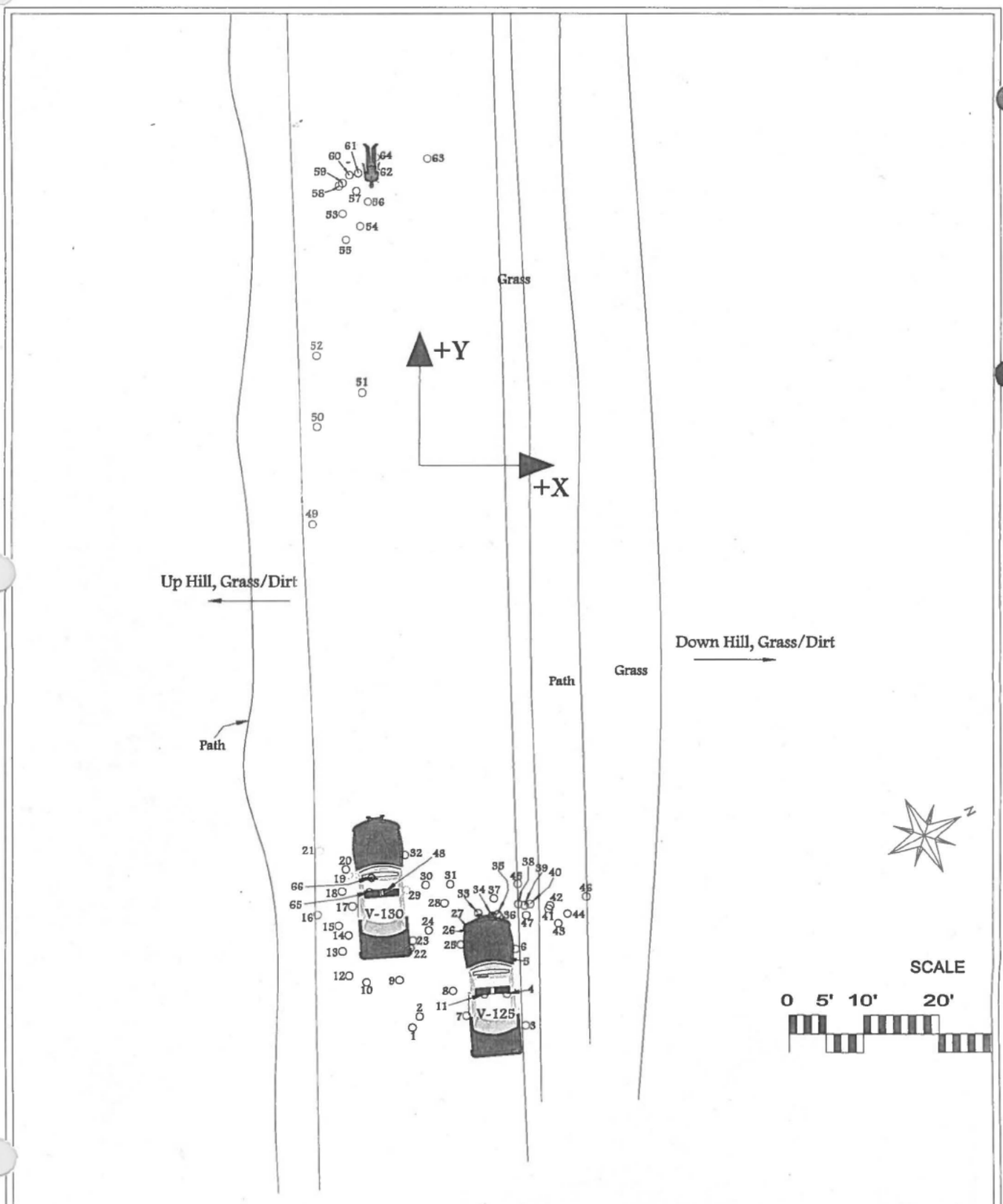
SFDPA - 0179-14 - 001133



	Case Number: 140 240 512	Date of Occurrence: 3/21/2014
	Mapped By: Ofc. Olkiewicz #443, Ofc. O'Reilly #991	
	Location: North access road Bernal Heights Park	
	Drawn By: Ofc. Olkiewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

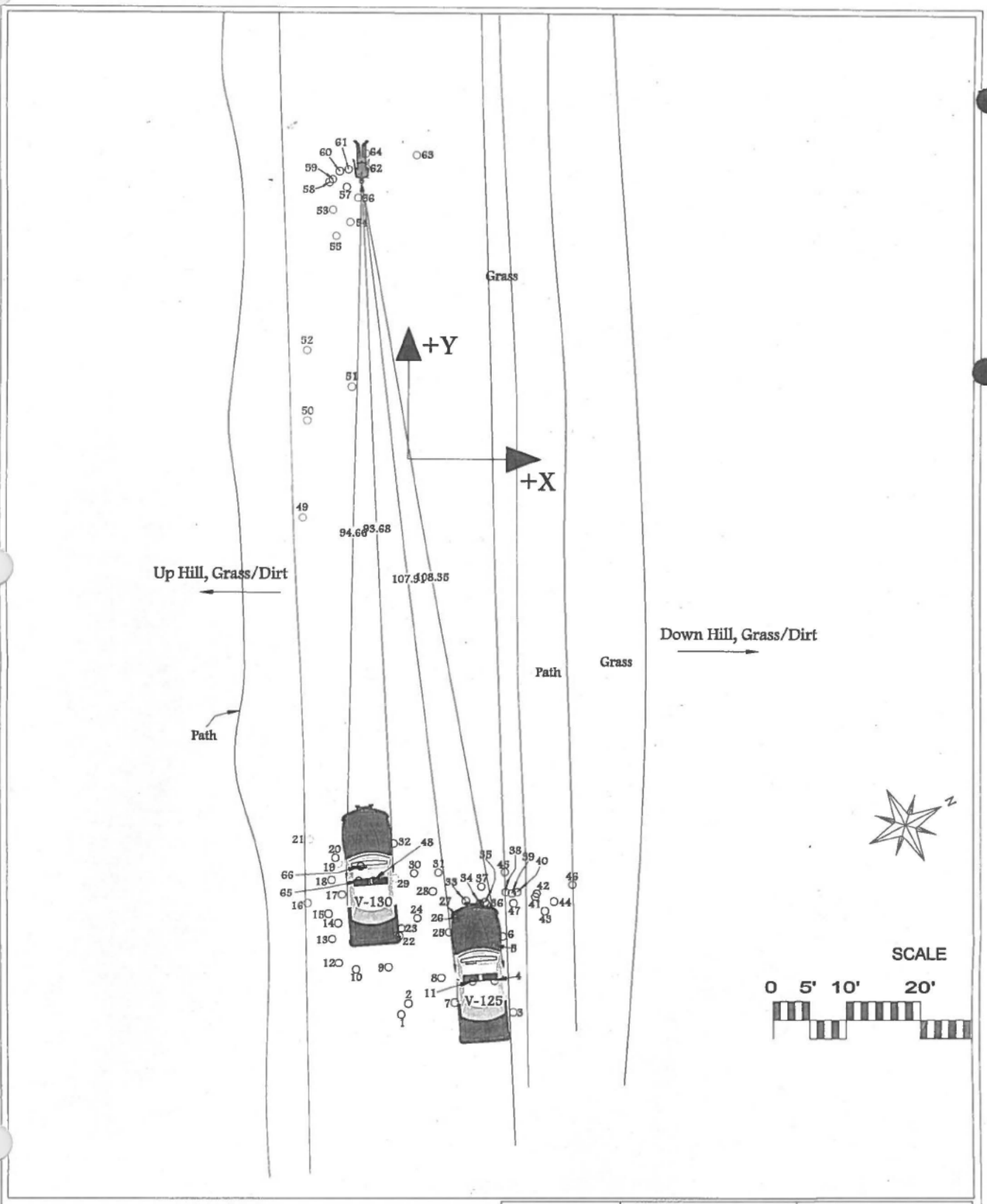
SFDPA - 0179-14 - 001134



	Case Number: 140 240 512	Date of Occurrence: 3/21/2014
	Mapped By: Ofc. Oliklewicz #443, Ofc. O'Reilly #991	
	Location: North access road Bernal Heights Park	
	Drawn By: Ofc. Oliklewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

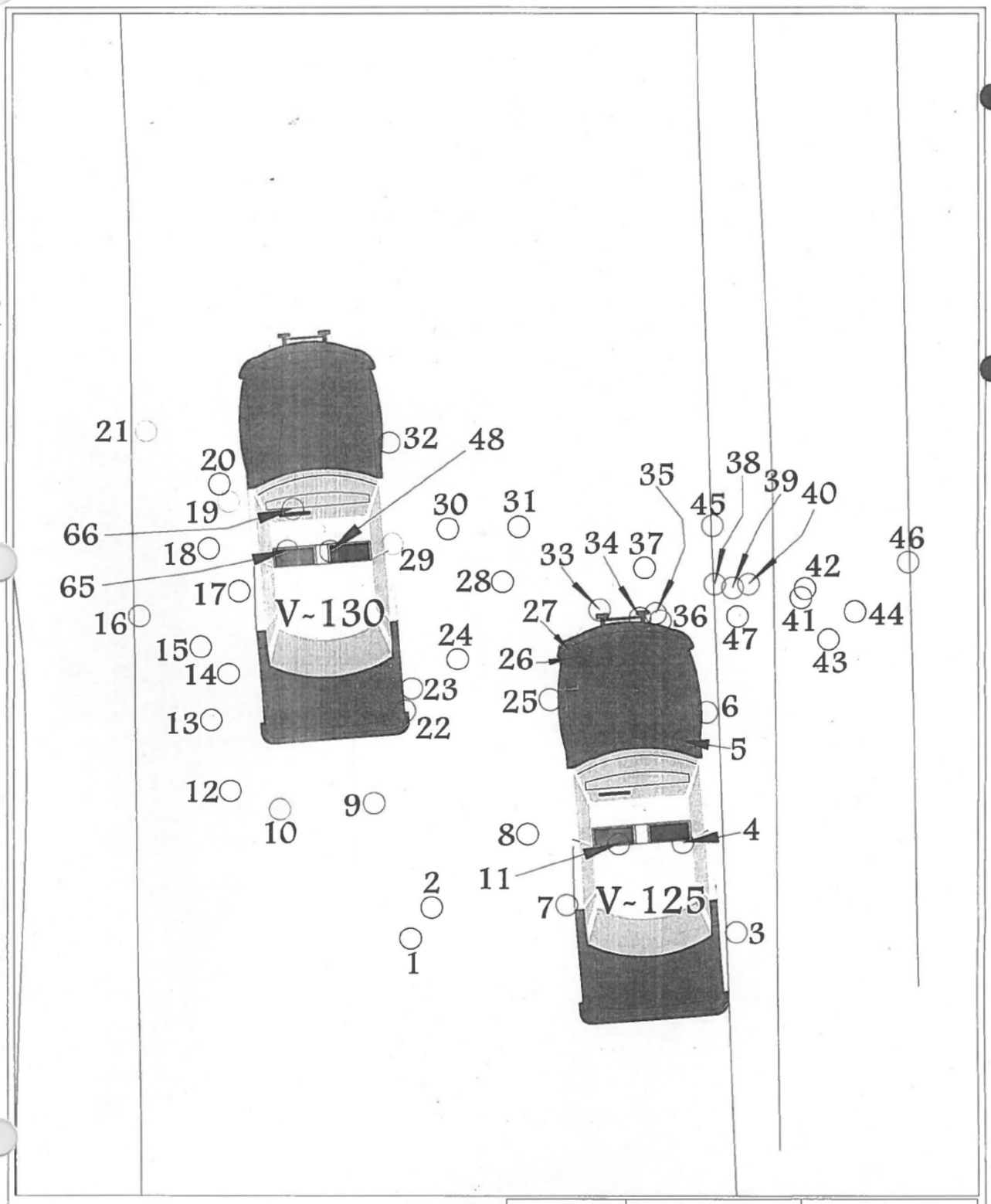
SFDPA - 0179-14 - 001135



	Case Number: 140 240 512	Date of Occurrence: 3/21/2014
	Mapped By: Ofc. Olkiewicz #443, Ofc. O'Reilly #991	
	Location: North access road Bernal Heights Park	
	Drawn By: Ofc. Olkiewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

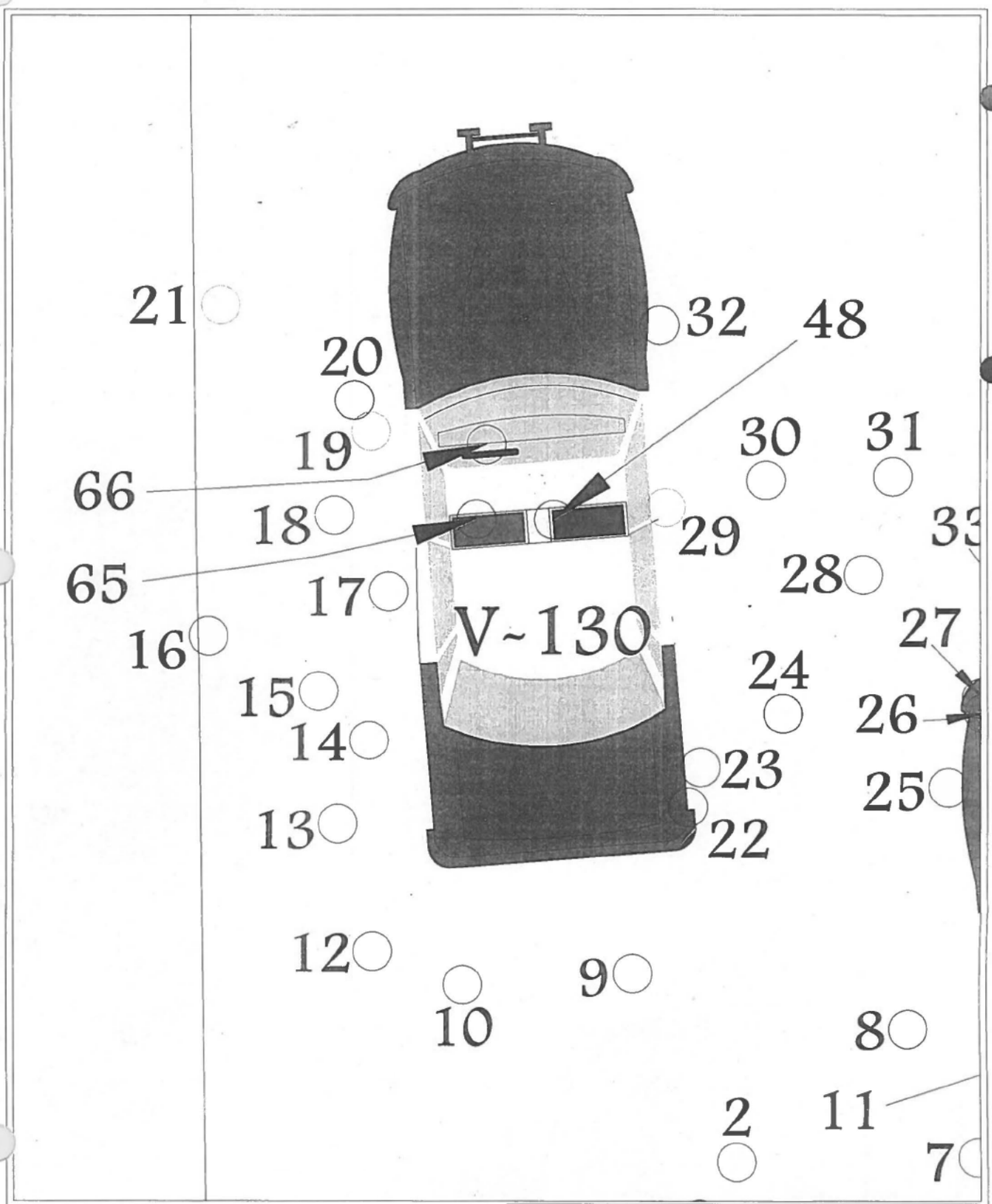
SFDPA - 0179-14 - 001136



	Case Number: 140 240 512	Date of Occurrence: 3/21/2014
	Mapped By: Ofc. Olkiewicz #443, Ofc. O'Reilly #991	
	Location: North access road Bernal Heights Park	
	Drawn By: Ofc. Olkiewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

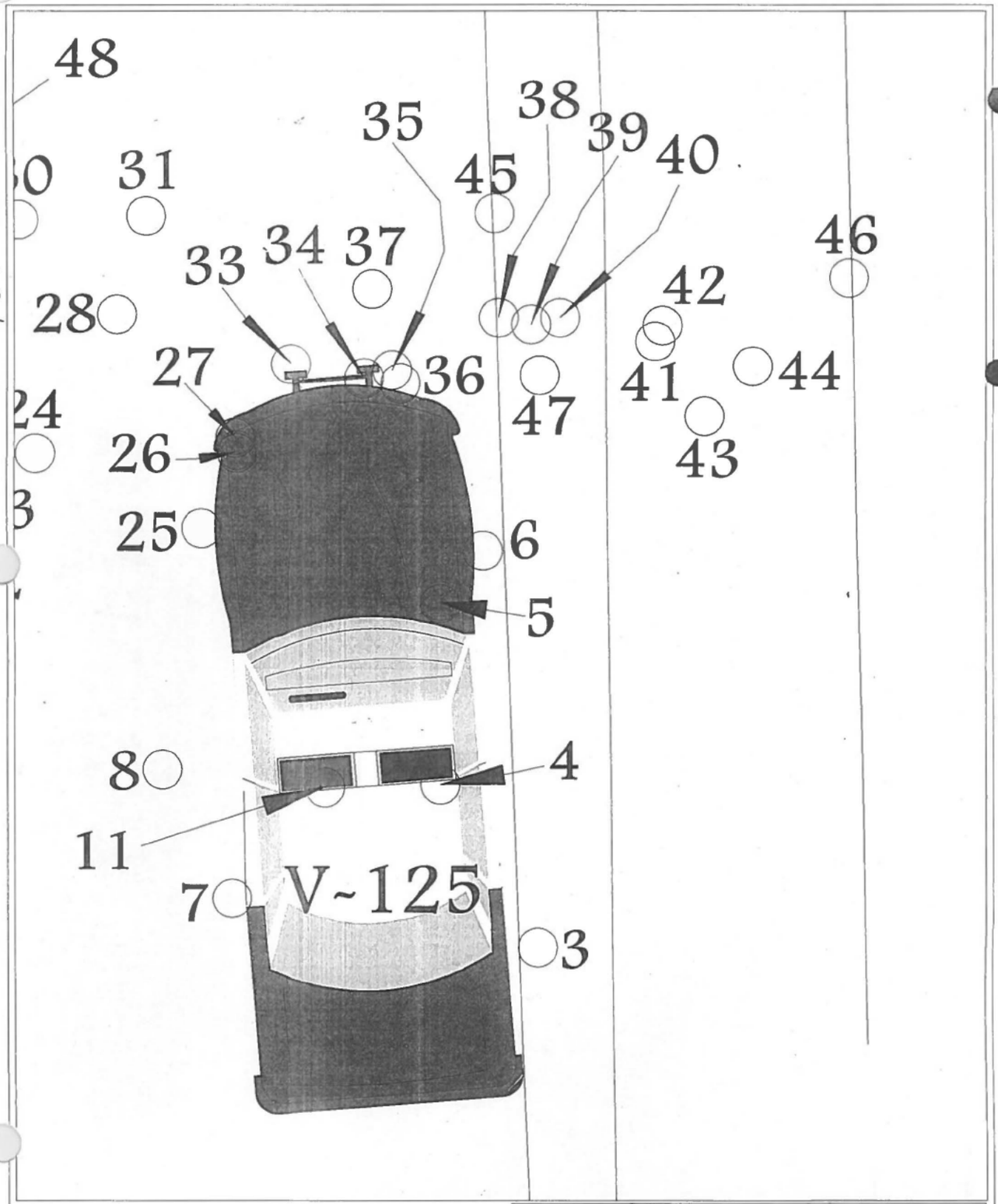
SFDPA - 0179-14 - 001137



	Case Number: 140 240 512	Date of Occurrence: 3/21/2014
	Mapped By: Ofc. Olkiewicz #443, Ofc. O'Reilly #991	
	Location: North access road Bernal Heights Park	
	Drawn By: Ofc. Olkiewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

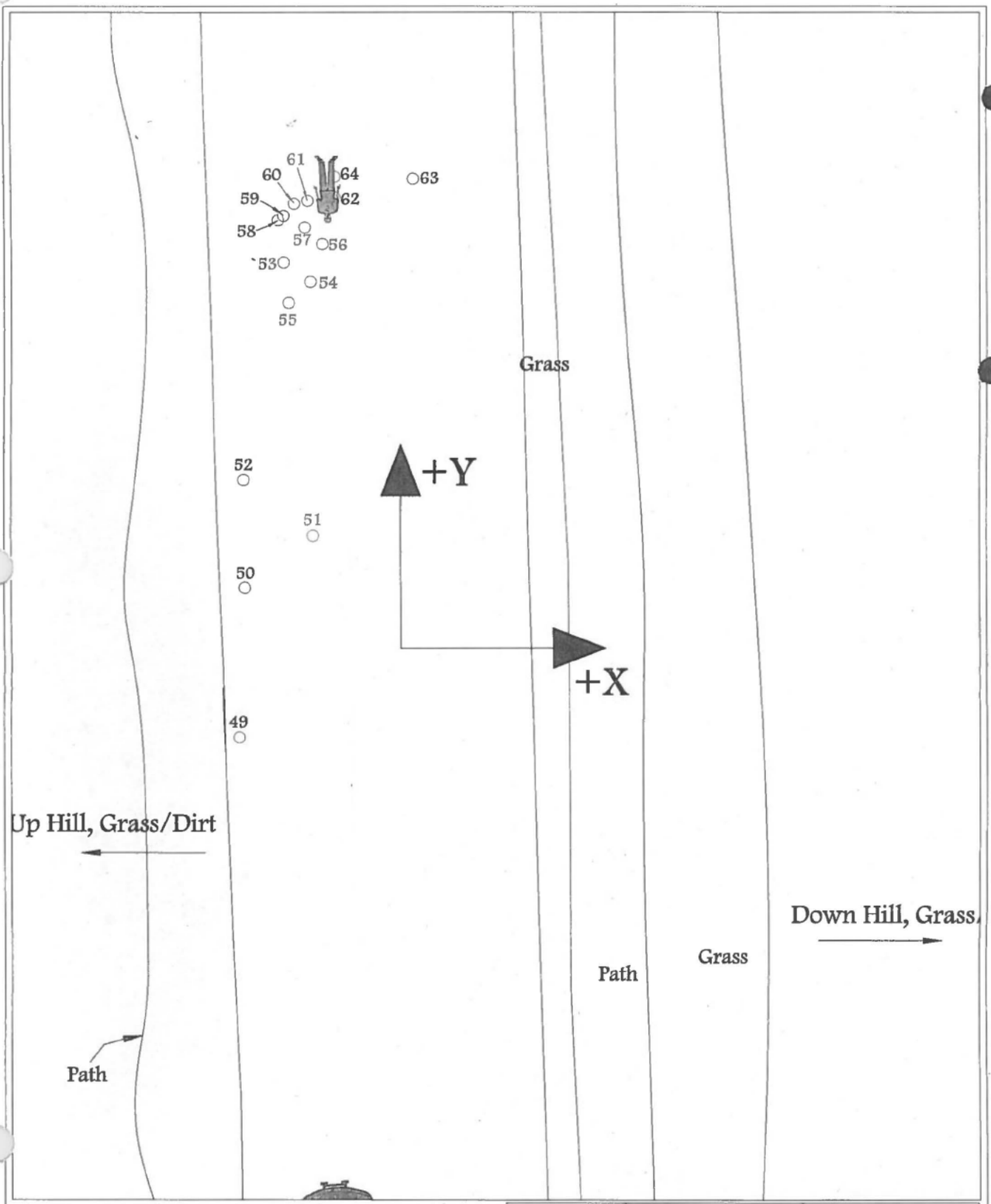
SFDPA - 0179-14 - 001138



	Case Number: 140 240 512	Date of Occurrence: 3/21/2014
	Mapped By: Ofc. Oliklewicz #443, Ofc. O'Reilly #991	
	Location: North access road Bernal Heights Park	
	Drawn By: Ofc. Oliklewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

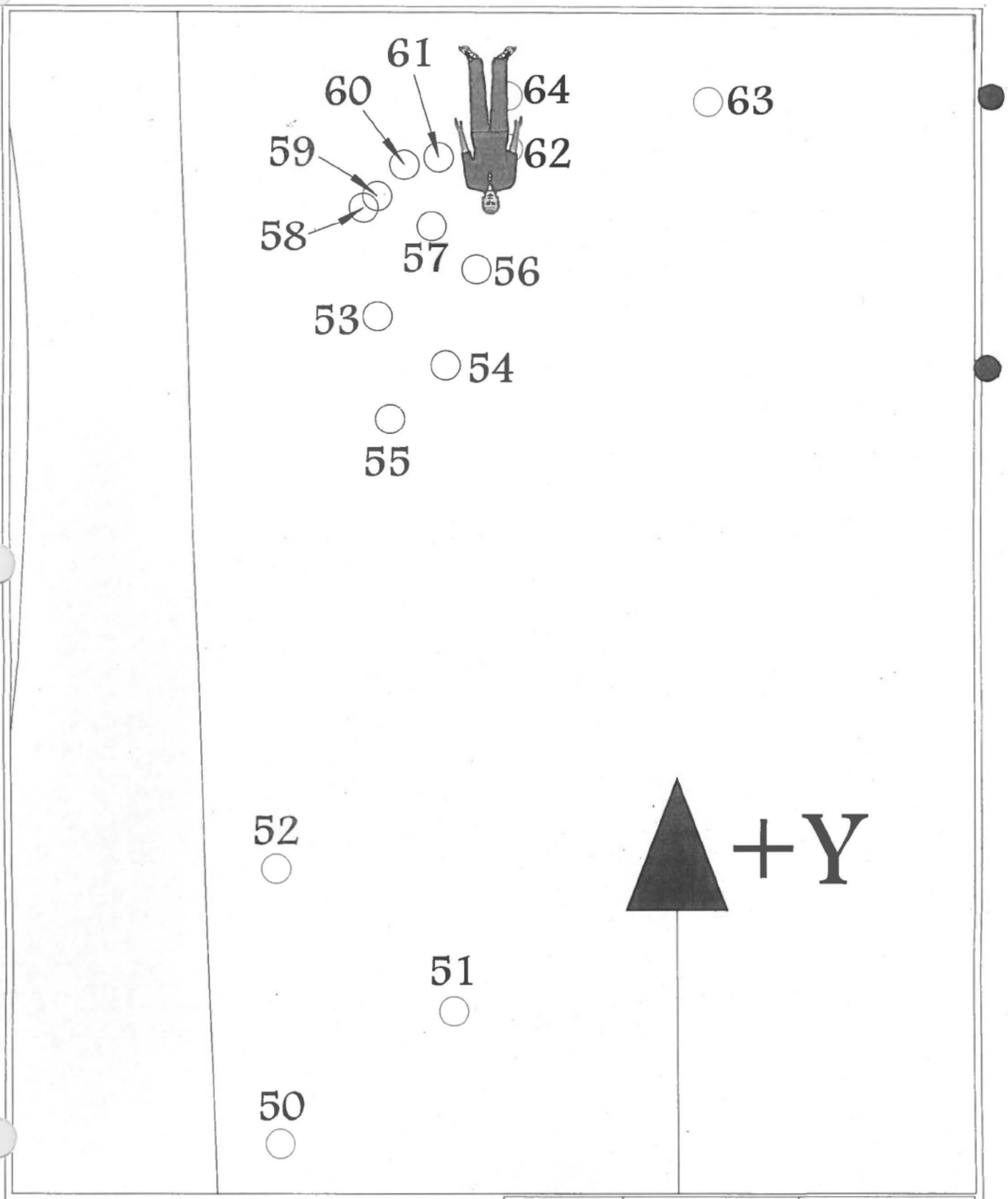
SFDPA - 0179-14 - 001139



	Case Number: 140 240 512	Date of Occurrence: 3/21/2014
	Mapped By: Ofc. Olkiewicz #443, Ofc. O'Reilly #991	
	Location: North access road Bernal Heights Park	
	Drawn By: Ofc. Olkiewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

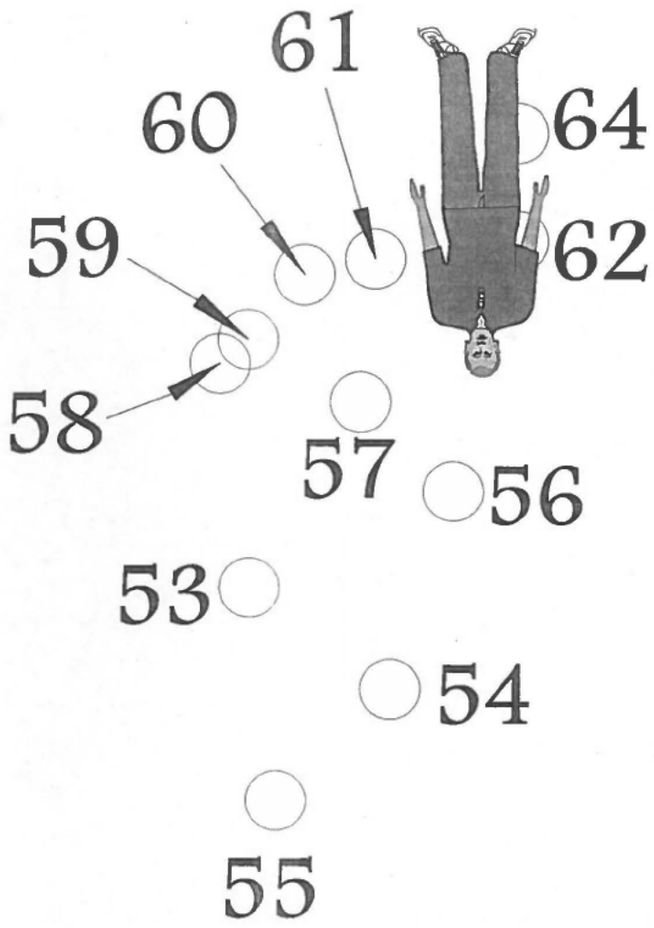
SFDPA - 0179-14 - 001140



	Case Number: 140 240 512	Date of Occurrence: 3/21/2014
	Mapped By: Ofc. Olkiewicz #443, Ofc. O'Reilly #991	
	Location: North access road Bernal Heights Park	
	Drawn By: Ofc. Olkiewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

SFDPA - 0179-14 - 001141



	Case Number: 140 240 512	Date of Occurrence: 3/21/2014
	Mapped By: Ofc. Olkiewicz #443, Ofc. O'Reilly #991	
	Location: North access road Bernal Heights Park	
	Drawn By: Ofc. Olkiewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

SFDPA - 0179-14 - 001142

Evidence Log — Case #140240512

Evidence #	Description	X	Y	Z
1	Casing	-0.98	-75.47	-4.65
2	Casing	-0.01	-74	-4.54
3	Casing	14.14	-75.17	-4.85
4	Casing under SFPD 125	11.63	-70.94	-4.56
5	Casing under SFPD 125	11.64	-66.2	-4.26
6	Casing	12.75	-64.85	-4.2
7	Casing	6.26	-73.88	-4.67
8	Casing	4.45	-70.55	-4.43
9	Casing	-2.68	-69.1	-4.23
10	Casing	-7.06	-69.4	-4.31
11	Casing	8.66	-71.01	-4.49
12	Casing	-9.39	-68.53	-4.32
13	Casing	-10.29	-65.22	-4.12
14	Casing	-9.48	-63.04	-3.98
15	Casing	-10.78	-61.75	-3.91
16	Casing	-13.63	-60.31	-3.76
17	Casing	-8.96	-59.16	-3.71
18	Casing	-10.36	-57.17	-3.59
19	Magazine	-9.41	-54.99	-3.45
20	Casing	-9.85	-54.18	-3.37
21	Magazine	-13.31	-51.71	-3.3
22	Casing	-1.25	-64.78	-3.97
23	Casing	-0.92	-63.75	-3.91
24	Casing	1.21	-62.34	-3.84
25	Casing	5.49	-64.27	-4.09
26	Casing	6.4	-62.31	-3.94
27	Casing	6.37	-61.92	-3.95
28	Casing	3.31	-58.73	-3.67
29	Magazine	-1.8	-56.98	-3.47
30	Casing	0.79	-56.27	-3.47
31	Casing	4.07	-56.17	-3.5
32	Casing	-1.98	-52.24	-3.18
33	Casing	7.8	-60.02	-3.87

	Case Number: 140 240 512	Date of Occurrence: 3/21/2014
	Mapped By: Ofc. Olkiewicz #443, Ofc. O'Reilly #991	
	Location: North access road Bernal Heights Park	
	Drawn By: Ofc. Olkiewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

SFDPA - 0179-14 - 001143

34	Casing	9.68	-60.39	-3.94
35	Casing	10.4	-60.18	-3.92
36	Casing	10.61	-60.52	-3.94
37	Casing	9.89	-58.08	-3.77
38	Casing	13.15	-58.82	-3.9
39	Casing	13.98	-59	-3.92
40	Casing	14.72	-58.82	-3.88
41	Casing	17.16	-59.44	-3.61
42	Casing	17.35	-59.03	-3.61
43	Casing	18.44	-61.38	-3.74
44	Casing	19.67	-60.09	-3.66
45	Casing	13.05	-56.11	-3.68
46	Casing	22.16	-57.79	-3.51
47	Casing	14.2	-60.32	-3.84
48	Casing Front Passenger Seat SFPD 130	-4.68	-57.3	-1.9
49	Loose Cigarette	-14.2	-7.96	-0.58
50	Loose Cigarette	-13.65	5.26	0.29
51	Cigarette Pack	-7.65	9.84	0.67
52	Loose Cigarette	-13.75	14.77	0.92
53	Baseball Cap	-10.26	33.88	2.1
54	Taser Pin	-7.91	32.19	2
55	Taser Pin	-9.81	30.33	1.9
56	Newspaper	-6.86	35.51	2.23
57	Eyeglasses & Broken Left Lens	-8.39	36.99	2.31
58	Bic Lighter	-10.73	37.64	2.34
59	Pepper Spray Canister	-10.26	38.04	2.35
60	Eye Drop Bottle	-9.32	39.12	2.44
61	Lighter, Pepper Spry, Sunglasses	-8.14	39.38	2.44
62	Taser Holster on Belt, Right Side	-5.77	39.67	2.93
63	Taser Gun	1.09	41.31	2.45
64	own Paper Bag, wadded under right kne	-5.78	41.49	2.59
65	Casing Driver Seat SFPD 130	-6.68	-57.28	-1.91
66	Casing Driver Floor SFPD 130	-6.42	-55.34	-2.25

Case Number: 140 240 512	Date of Occurrence: 3/21/2014
Mapped By: Ofc. Olkiewicz #443, Ofc. O'Reilly #991	
Location: North access road Bernal Heights Park	
Drawn By: Ofc. Olkiewicz #443	Date Mapped: 3/21/2014

See CSI Evidence Inventory For Numbered Item Descriptions

SFDPA - 0179-14 - 001144

Body Head	6.34	37.4	2.38
Left Foot	7.31	43.34	2.67
Right Foot	5.66	43.27	2.67
SFPD 130 Left Front Wheel	-9.05	-52.24	-3.26
Left Rear Wheel	-8.54	-61.77	-3.86
SFPD 125 Left Front Wheel	5.8	-65.25	-4.11
Left Rear Wheel	6.39	-74.83	-4.71

stance Measurements Straight Line of Sight

SFPD Vehicle 130	
Drivers door to Suspect Head	94.66 feet
Passengers Door to Head	93.68 feet
SFPD Vehicle 125	
Drivers Door to Suspect Head	107.91 feet
Passenger Door to Suspect Head	108.35 feet
Roadway width	27.11 Approx

See CSI Evidence Inventory For Numbered Item Descriptions

Case Number: 140 240 512	Date of Occurrence: 3/21/2014
Mapped By: Ofc. Oklewicz #443, Ofc. O'Reilly #991	
Location: North access road Bernal Heights Park	
Drawn By: Ofc. Oklewicz #443	Date Mapped: 3/21/2014

SFDPA - 0179-14 - 001145

	Case # 140 140 512	Date: 3.2.14	
	Location:		
#	Item	"X"	"Y"
1	CASING		
2	"		
3	"		
4	" (UNDER SCPD 125)		
5	" " "		
6	"		
7	"		
8	"		
9	"		
10	"		
11	" 1 UNC		
12	"		
13	"		
14	"		
15	"		
16	"		
17	"		
18	"		
19	MAGAZINE		
20	CASING		
21	MAGAZINE		
22	CASING		
23	"		
24	"		
25	"		
26	"		
27	"		
28	"		
29	MAGAZINE		

ROZ,
EVIDENCE SHEETS.
DONE FOR YOU TO
APPROVE.

—DEN1

(1) ORIGINAL ROUGH
(2) EVIDENCE SHEETS

SFDPA - 0179-14 - 001146

	Case # 140 240 512	Date: 3.21.14	
	Location:		
#	Item	"X"	"Y"
30	EVIDENCE		
31	"		
32	"		
33	"		
34	"		
35	"		
36	"		
37	"		
38	"		
39	"		
40	"		
41	"		
42	"		
43	"		
44	"		
45	"		
46	"		
47	"		
48	" FRONT PASS SEAT FLOOR		
49	LOOSE CIGARETTE		
50 20	" "		
51 21	CIGARETTE PACK		
52 22	LOOSE CIGARETTE		
53 23	BASEBALL CAP — TO ME		
54 24	TASER PIN		
55 25	TASER PIN		
56 26	NEWSPAPER		
57 27	EYEGLASSES & BROKEN LEFT LENS — TO ME		
58 28	BIC LIGHTER		
59 29	PEPPER SPRAY CANISTER		

Zen KLIAN

SFDPA - 0179-14 - 001147

	Case # 140 240 512	Date: 3.21.14	
	Location:		
#	Item	"X"	"Y"
40	EYEGLASSES		
41	LIGHTER, PEPPER SPRAY, SUNGLASSES		
42	TASER HOLSTER ON BELT, RIGHT SIDE	(MED EXAM.)	
43	TASER GUN		
44	BROWN PAPER BAG, WADDED UNDER RIGHT KNEE		
45	CASING DRIVER SEAT SFPD 130		
46	" DRIVER FLOOR SFPD 130		
47			
48			
9			
10	CASH TO M.E.		
11	CELLPHONE + KEYS UNDER JACKET → ME		
12			
13			
14	NO # — BUS TRANSFER		
15	CUFFS TAKEN OFF SUSP		
16	ANOTHER CASING NEAR #40		
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			

Jan Mary

SFDPA - 0179-14 - 001148

CASE NUMBER 140240572

SAN FRANCISCO POLICE DEPARTMENT

VEHICLE PROCESSING REPORT

TYPE OF INCIDENT / DETAIL REQUESTING: HOMICIDE

REQ. [redacted] IT

LOCATION: VEHICLE IMPOUND

VEHICLE INSIDE ☐ VEHICLE OUTSIDE ☐

C.S.I. RESPONSE BY: HNATOW STAR: 839 DATE: 3/24/14 TIME: 1600

VEHICLE DIAGRAM ATTACHED Y ☐ N ☐

VEHICLE LICENSE: [redacted] VIN

REQUESTED PROCESSING:

PHOTOS ☐ LATENTS ☐ EVIDENCE RECOVERY ☐ DNA COLLECTION ☐ GSR ☐ TRAJECTORY ☐ OTHER ☐

[redacted]

LATENT PRINT RECOVERY SUMMARY: N/A ☐

FROM VEHICLE: NO ☐ YES ☐ # OF LATENT CARDS: ____ FROM EVIDENCE: NO ☐ YES ☐ # OF LATENT CARDS: ____

VEHICLE EVIDENCE INVENTORY *(IF PROCESSED, SEE SFPD 235G FORM)*

ITEM #	DESCRIPTION	LOCATION FOUND	235G (Y/N)
			Y☐ N☐
			Y☐ N☐
			Y☐ N☐
			Y☐ N☐
			Y☐ N☐
		INVENTORY CONTINUED?	Y☐ N☐

SFPD 235E (05/07)

SFDPA - 0179-14 - 001149

[redacted]

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # 140-240-512

DATE /TIME RECEIVED: 03/21/14
DATE / TIME REQUESTED:

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	N/R CARD LEFT	DATE/TIME
OIS	☐	SGT RISKIN	1915	3H109	☐	/

COMPLAINANT	PHONE	RUNDATE	ARRIVAL TIME
SFPD		03/21/14	2210

LOCATION OF RUN: CO. H
CSO / STAR: RODELAS/729
REMARKS / INSTRUCTIONS: COLLECTED FROM SGT SAWYER #1127
CSO / STAR:

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40 CAL	BARREL LENGTH: 4.25"	FINISH: BLACK

NOTES: STREAMLIGHT "TLR-2" LIGHT ATTACHED TO RAIL

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : (17) "FEDERAL 40S&W" VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☐ GRIPS SWABBED: YES ☐ NO ☐ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED IN FREEZER: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☐ N/A ☒ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

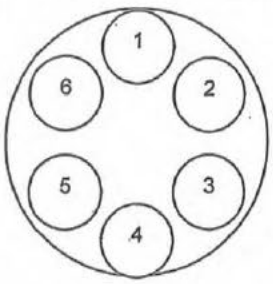
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
1- MAGAZINE W/12 CARTRIDGES, 1- MAGAZINE FROM MAG WELL W/4 CARTRIDGES, 1-CARTRIDGE FROM CHAMBER

-SERIAL NUMBER OF FIREARM CONFIRMED BY SGT GIN #1742

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 4

TOTAL CARTRIDGES: 5

FIREARM & CONTENTS BOOKED ON: 03/23/14 BY # 729

SFPD 235A (Rev 09/08)

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SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # 140-240-512

DATE /TIME RECEIVED: 03/21/14
DATE / TIME REQUESTED:

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	N/R CARD LEFT	DATE/TIME
OIS	☐	SGT RISKIN	1915	3H109	☐	/

COMPLAINANT	PHONE	RUNDATE	ARRIVAL TIME
SFPD		03/21/14	2210

LOCATION OF RUN: CO. H

CSO / STAR: RODELAS/729

REMARKS / INSTRUCTIONS: COLLECTED FROM OFFICER CHEW #2088

CSO / STAR:

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: **SIG SAUER**	MODEL: **P226**	SERIAL #: [redacted]
CALIBER: **.40 CAL**	BARREL LENGTH: **4.25"**	FINISH: **BLACK**
NOTES: "HOGUE" GRIP ATTACHED		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : **(32) "WIN 40S&W"** VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☐ GRIPS SWABBED: YES ☐ NO ☐ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED IN FREEZER: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☒ N ☐ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☐ N/A ☒ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

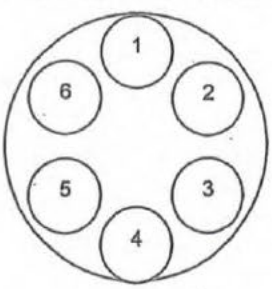
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
1-MAGAZINE W/12 CARTRIDGES, 1-MAGAZINE W/12 CARTRIDGES, 1-MAGAZINE FROM WELL W/7 CARTRIDGES,

1-CARTRIDGE FROM CHAMBER, SERIAL NUMBER OF FIREARM CONFIRMED BY SGT GIN #1742

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 7

TOTAL CARTRIDGES: 8

FIREARM & CONTENTS BOOKED ON: 03/23/14 BY # 729

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SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # 140-240-512

OFFENSE: OIS	ARREST MADE: ☐	REQ BY: SGT RISKIN	STAR: 1915	UNIT: 3H109	DATE /TIME RECEIVED: 03/23/14
COMPLAINANT: SFPD		PHONE:			DATE / TIME REQUESTED:
LOCATION OF RUN: CO. H					N/R CARD LEFT ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS: COLLECTED FROM OFFICER SCHIFF #1968					RUNDATE: 03/23/14 ARRIVAL TIME: 2210
					CSO / STAR: RODELAS/729
					CSO / STAR:

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40 CAL	BARREL LENGTH: 4.25"	FINISH: BLACK
NOTES:		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : (13) "WIN 40S&W" VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☐ GRIPS SWABBED: YES ☐ NO ☐ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED IN FREEZER: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☐ N/A ☒ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

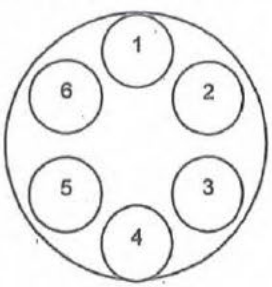
1-MAGAZINE FROM MAG WELL W/12 CARTRIDGES, 1-CARTRIDGE FROM CHAMBER

-SERIAL NUMBER OF FIREARM CONFIRMED BY SGT GIN #1742

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 12

TOTAL CARTRIDGES: 13

FIREARM & CONTENTS BOOKED ON: 03/23/14 BY # 729

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SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # 140-240-512

OFFENSE: OIS	ARREST MADE: ☐	REQ BY: SGT RISKIN	STAR: 1915	UNIT: 3H109	DATE /TIME RECEIVED: 03/23/14
COMPLAINANT: SFPD		PHONE:			DATE / TIME REQUESTED:
LOCATION OF RUN: CO. H					N/R CARD LEFT ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS: COLLECTED FROM OFFICER MORSE #1923					RUNDATE: 03/23/14 ARRIVAL TIME: 2210
					CSO / STAR: RODELAS/729
					CSO / STAR:

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: **SIG SAUER**	MODEL: **P226**	SERIAL #: [redacted]
CALIBER: **.40 CAL**	BARREL LENGTH: **4.25"**	FINISH: **BLACK**
NOTES: "HOGUE" GRIP ATTACHED		

AMMO

HEADSTAMPS: ALL IDENTICAL ☐ : VARIED ☒ : **(17) "WIN 40S&W, (9)"WINCHESTER 40S&W"**

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☐ GRIPS SWABBED: YES ☐ NO ☐ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED IN FREEZER: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☒ N ☐ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☐ N/A ☒ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

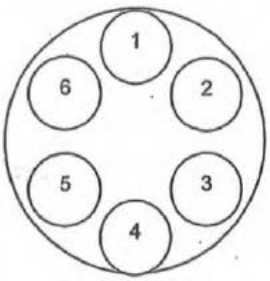
1-MAGAZINE W/12 CARTRIDGES, 1-MAGAZINE W/12 CARTRIDGES, 1-MAGAZINE FROM MAG WELL W/1 CARTRIDGE,

1-CARTRIDGE FROM CHAMBER, SERIAL NUMBER OF FIREARM CONFIRMED BY SGT GIN #1742

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: **1**

TOTAL CARTRIDGES: **2**

FIREARM & CONTENTS BOOKED ON: 03/23/14 BY # 729

SFPD 235A (Rev 09/08)

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[background conversation]

INSP. CAGNEY: Before we get into all the particular Sergeant Sawyer we'll just explain how it works. I'm the lead investigator on the case, I'll probably be asking the majority of the initial questions. Sergeant Burke will probably come in at some point with some follow-up questions. Your counsel will have an opportunity to ask questions as some point or another. This is the DA Investigator Posada, he should be able to ask some questions in addition to the District Attorney representative will ask questions as well. Does that make sense?

SAWYER: Yes it does.

INSP. CAGNEY: Just for the record I'll start with the identifications. John Cagney, Sergeant SFPD, Homicide, 341.

SGT. BURKE: Sergeant John Burke, 2240, SFPD Homicide.

POSADA: Jim Posada, San Francisco District Attorney Investigations, star number 24.

FMSK: [unintelligible] Assistant District Attorney.

INSP. CAGNEY: Counsel.

STERN: Sure, I'm Harry Stern, I'm an

attorney and I'm here representing Sergeant Sawyer.

INSP. CAGNEY: And Sergeant can you identify yourself with your full name and your star number please.

SAWYER: Jason Sawyer, star 1127.

INSP. CAGNEY: Thank you Sergeant and we appreciate you sitting down and talking to us. Can you give me your assignment and your unit ID today?

SAWYER: Yes. Patrol Sergeant, 3 Henry 104.

INSP. CAGNEY: And how about your uniform of the day?

SAWYER: Class B uniform.

INSP. CAGNEY: Is this the uniform we see in now?

SAWYER: Yes it is.

INSP. CAGNEY: And what were you armed with today?

SAWYER: A department issued 40 caliber handgun.

INSP. CAGNEY: Did you carry a backup weapon?

SAWYER: I do not have a backup pistol. I do have a rifle.

INSP. CAGNEY: A rifle?

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SAWYER: Yes.

INSP. CAGNEY: Okay and that's internal to the vehicle or—

SAWYER: I carry it in the truck as part of the Specialist Team.

INSP. CAGNEY: I see, so it's part of your Specialist turnout gear.

SAWYER: Yes.

INSP. CAGNEY: I get it. I would assume that there's other weapons in the vehicle to your knowledge, the radio car, was there a shotgun or a patrol rifle?

SAWYER: No, the only rifle again was the one I had, the only other weapon was the recruit officer that I had with me was the pistol that he had.

INSP. CAGNEY: Okay, I got you. And what was your watch today?

SAWYER: I worked 15 to 01.

INSP. CAGNEY: And how many years of service do you have?

SAWYER: This June will be nineteen.

INSP. CAGNEY: And all SFPD?

SAWYER: Yes.

INSP. CAGNEY: And how long have you been

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a Sergeant?

SAWYER: August of 2007.

INSP. CAGNEY: And you mentioned you were a Patrol Sergeant, do you have any other duties besides just Patrol Sergeant or were you doing something specific tonight, FTO Sergeant for example, something along those lines.

SAWYER: Correct. So again I'm also a Specialist Sergeant, that was not in place tonight, but I'm also an FTO Sergeant and I was given an FTO ridealong at the time.

INSP. CAGNEY: I got you. And one more time, I missed your unit ID. What unit were you?

SAWYER: 3 Henry 104.

INSP. CAGNEY: 104. And who were you working with tonight?

SAWYER: Officer Rick Schiff.

INSP. CAGNEY: Okay. And he's a recruit officer I understand?

SAWYER: Yes.

INSP. CAGNEY: I don't think there's any more in terms of just biographical information. The way I do it—everyone does it a little differently—I kind of like to have you do a narrative, you know, kind of just tell the story and then at some point

you know we'll probably back up a few paces and ask you some more specific questions after you're done kind of telling us the story if you're comfortable with that.

SAWYER: Yes.

INSP. CAGNEY: Okay. Well why don't you go ahead?

SAWYER: Okay. Officer Schiff and I were conducting—I was doing an FTO evaluation on Officer Schiff and during a ridealong. We had just cleared a citation from a gas station at Mission and San Jose where they intersect and over the air we heard a broadcast of a man with a gun, 221 call, with a very distinct description and we were nearby. He was on Bernal Heights and we weren't that far away so I directed him to start going that direction. The description that I remember was Hispanic male, six-foot, I think 220 pounds, wearing a red sweatshirt, black pants, and what really caught my attention was that he was—had a gun on his waist.

And as we were driving up I was kind of doing some tabletop exercises with Officer Schiff about what we should expect, what we should look for, as we're approaching. I said most shooters are right-handed, start looking as soon as we get there start

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thinking about if it's real, about where we may take cover, where you may go, where I may go, that we split up to make sure that we offer multiple targets for the bad guy. So as we're kind of brainstorming we're driving up, we drove around the loop around Bernal Heights and didn't see anybody. We ran into another radio car after we completed an entire loop so we had Headquarters find out if the caller was still online. The caller was and indicated that the suspect was on the footpath near Bernal Heights and was eating a bag of chips.

Officer Schiff who was the driver of the car was able to go around a gate and drive the patrol car up the footpath, it's wide enough for a patrol car. And as we drove up we talked about safe distances and where we should kind of head up if we encounter the suspect and we did encounter the suspect. He initially stopped the patrol car. I told him to move up a little bit because we were a little bit too far away. We got to a distance that I felt was appropriate to stop and engage the suspect where we still had—we could use the car as cover. I looked to the right side of the car behind the pillar. I know that Officer Schiff went to the left side behind the pillar and maintained cover.

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The suspect was advancing towards us, he fit the description exactly as the caller put out. I started yelling at the suspect let me see your hands, let me see your hands, let me see your hands. He threw his bag of chips to the ground, he lifted up the right side of his sweatshirt and I could see a holster and he said let me see your hands. And as he kept advancing towards us he pulled out a gun on the right side with his right hand and as soon as the run started to come up I could see he had a red laser sight on the gun. He pointed it right at us and I fired.

I know at some point Officer Schiff fired, I can't tell you exactly when but I know he fired. And then at some point the suspect—and I'm screaming at this guy let me see your hands, let me see your hands, drop it, police, and the laser sight is pointed right at us. I'm firing. Shortly after the suspect falls to his knees and appears to prone out but I could see he still have the gun up pointed at us and his hear is still up. So I'm continuing to fire and I fired up until—because he's not listening to any of our commands, the gun's still up, his head's still up, he's looking at us and then I saw at one point he appeared to go

limp. His head went down, the gun went down. At that point I yelled cease fire and coordinated a plan to go up and check the condition of the suspect.

INSP. CAGNEY: Was it just you and Officer Schiff at that point or did you see other police officers on the scene?

SAWYER: I know that Officer Roger Morse was on the left side by Officer Schiff and I know Officer Nate Chew came up at some point somewhere behind me on my right. I don't know exactly where his position was but I know that he was there and again I don't know how far up they were but I know that those four—us four total were there.

INSP. CAGNEY: Did those officers arrive simultaneously with you or did they arrive a little bit after the fact after you'd already engaged the suspect? To your knowledge if you know.

SAWYER: Yeah, I actually don't know. When Officer Schiff and I parked out patrol car we were basically head on with the suspect and as we took our position to cover I wasn't looking behind me. I know that other units were coming because we gave out our description of where we were. Other units were coming. I don't know at what point they

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stopped their car and approached us as far as you know how much they saw or at what point they engaged, I don't know.

INSP. CAGNEY: Well, I'm probably just going to slow you back a little bit and start again from the beginning and I'll ask some more specific questions as I'm sure will everyone else in the room. Before I get to that just a little bit more personal information about you. You have nineteen years of service. You're a Specialist. Part of our protocol, out duties as investigators in a case like this is to kind of establish what an experienced officer may do or an officer in your position may do and to take a look at what kind of experiences you've had. Have you had an experience with armed suspects in the past?

SAWYER: Yes.

INSP. CAGNEY: You've had experience with armed suspects.

SAWYER: Yes.

INSP. CAGNEY: Have you been involved in critical incidents such as this before?

SAWYER: Yes, many times.

INSP. CAGNEY: So you have I would guess probably—and I know a little bit, I know Sergeant

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Burke knows you much better than I do but my understanding is you're a very experienced officer, you've dealt with a lot of dangerous and armed suspects in your career, is that fair to say?

SAWYER: Yes.

INSP. CAGNEY: Okay, fair enough, just wanted to establish some of the parameters there. Where were you and Officer Schiff exactly if you recall when the radio call came out, where were you responding from?

SAWYER: There was a gas station at Mission and San Jose where they intersect and we just finished issuing a citation from that gas station.

INSP. CAGNEY: About how long again just estimation, guesstimation, it took you to respond out to the location where you [unintelligible]

SAWYER: It was just a few minutes. Officer Schiff was driving expeditiously but in a Code 1 fashion still. It was not a Code 3 call per se so he wasn't blowing stop signs, he wasn't going red lights and siren. So just travel time but as a crow flies it's not a very long distance.

INSP. CAGNEY: And you mention—in the question I probably omitted from asking before we

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got started—you were the passenger officer and Officer Schiff was the driver, is that correct?

SAWYER: Yes.

INSP. CAGNEY: And it was a marked police vehicle?

SAWYER: Correct.

INSP. CAGNEY: And again something you just alluded to when you responded or Officer Schiff responded you were not lights and siren when you arrived on the scene, is that correct?

SAWYER: So no we were not, definitely did not arrive lights and siren. When we went up the footpath I don't know if he activated his overhead lights. I know there was no siren, I don't know if the overhead lights were on though, I just don't know.

INSP. CAGNEY: Okay and I already asked you this, just for my clarification, you weren't aware of any other police responding at that exact moment?

SAWYER: I know that they were responding but I did not—we were the front unit, let's put it that way and whoever else was coming up behind me I don't know how far they were behind me.

INSP. CAGNEY: I understand. Did you on

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the radio say you were the first unit out there? I mean, were you guys knew you were going to be the first on-scene or it just worked out like that?

SAWYER: I arrived [unintelligible] 97. We initially started near Bernal Heights and Anderson and we at that time were the only unit. As we drove around in a circular fashion in a counter-clockwise around as we approached more toward where the cross street faced the Mission District we saw other units coming up the other side of Bernal Heights but we were still the front unit. So some units parked their cars and I know a couple other officers got out on foot but Officer Schiff was able to get the car past the barrier in between—again, to get on the footpath you go—you pop the curb and go between a rock and a garbage can, the patrol car fits. So I know I'm guessing an FTO had to show him that because if you're not familiar with that area you wouldn't know to do that.

So I know we were the first car that was furthest along and again how far the other units were behind us I just don't know.

INSP. CAGNEY: I got you. And you know what, this is strictly for my benefit and I don't know if it would benefit anyone else, how about

just a little bit of sketch of basically your approach and basically show the suspect [unintelligible] we're going to call it on the frontage road or the access road. If you don't mind maybe just throw a little bit of sketch about where you guys came up, the distances involved and where he was. For example, the gate's here, right, that you guys come up.

SAWYER: Yeah.

INSP. CAGNEY: And then my understanding is the suspect is somewhere up this way, correct?

SAWYER: Yeah, he's several hundred yards up this way, this is a hill.

INSP. CAGNEY: Right. And we'll throw the hill up this way. And the road goes like this, is that right?

SAWYER: Correct.

INSP. CAGNEY: And then when you said Officer Schiff had to pop it did he go left or right around the gate?

SAWYER: He went around this way to the right side.

INSP. CAGNEY: He goes around that way and then you proceed in the radio car up this way?

SAWYER: Correct.

INSP. CAGNEY: And then at some point you stop your vehicle when you spot—or Officer Schiff stops the vehicle when you spot the suspect?

SAWYER: Correct.

INSP. CAGNEY: Did you both see him at the same time, the suspect?

SAWYER: I don't know. I don't know at what point he saw him. I know when I started telling him to stop the car.

INSP. CAGNEY: Right. And that's because you saw the suspect.

SAWYER: Yes.

INSP. CAGNEY: And what was the suspect doing when you first saw him?

SAWYER: Just exactly as the reporting party described, he was walking, eating a bag of chips.

INSP. CAGNEY: Walking, eating a bag of chips. Could you see the holster or the gun or anything like that at that point?

SAWYER: I could see it was very clear that he had a bulge on his right side but the sweatshirt was covering it but it was very obvious there was something underneath there.

INSP. CAGNEY: Could you describe his

appearance, his clothing?

SAWYER: Red sweatshirt, no markings on it that I saw. Black jeans. I don't know what kind of shoes he had on and that's pretty much it.

INSP. CAGNEY: From I assume you said when you say pillars I assume that's the pillars of the radio car of the vehicle?

SAWYER: Yes, correct.

INSP. CAGNEY: About if you could estimate and again if you can't be specific it's not a big deal but how close do you think you were to the suspect when you first saw him, when you got out of your radio car what was the distance between you and him?

SAWYER: Well I know Officer Schiff at some point must have seen him because I was yelling out there's the guy, there's the guy that fits the description right there. There was two people on the footpath. One person didn't fit the description at all, walked right by us and I could see—

INSP. CAGNEY: As you were coming up?

SAWYER: Correct. And I could see what I thought was the suspect at least a hundred yards ahead. At that point Officer Schiff either listened to me or saw the suspect and stopped the car and I

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saw we're still too far back, go ahead and slowly move forward to engage and I'll tell you when to stop. We stopped I would estimate around maybe 25 or 30 yards away.

INSP. CAGNEY: Okay. And do you know if the spotlights were illuminating him or was it just the headlights or the overhead?

SAWYER: I don't even think the headlights—there was no need, at that time there was enough daylight still, it was in way dark, didn't need—I have a light on my pistol, didn't need that, didn't need spotlights, didn't need headlights, nothing. It was plenty light out.

INSP. CAGNEY: So the lighting conditions were good.

SAWYER: Correct.

INSP. CAGNEY: So he was walking towards you. You see a bulge on his what side?

SAWYER: His right side.

INSP. CAGNEY: His right side. He's eating a bag of chips.

SAWYER: Correct.

INSP. CAGNEY: Were you able at that distance to kind of have at least a brief assessment of what his condition was? Did he look

oriented? Did he look hot, sweaty, out of breath, anything along those lines? Anything about his demeanor, his physicality that struck you?

SAWYER: He appeared oriented. I couldn't tell if he was you know hot and sweaty but he did not appear out of breath but he also did not appear erratic. He was walking with a normal gait.

INSP. CAGNEY: Okay. And he's walking towards you down the—

SAWYER: Directly towards us.

INSP. CAGNEY: And I think you briefly described his clothing, how about his physical features? White guy, Hispanic, young, old, fat, skinny?

SAWYER: Looked to be Hispanic, maybe late twenties, early thirties, about six-foot, maybe 220 pounds, just pretty much as described. As soon as I saw him it was exactly as the caller had reported.

INSP. CAGNEY: So you knew, so you knew that was going to be the guy. So he's walking towards you, you and Officer Schiff exit your vehicle and I think I recall what you said, you started issuing commands, is that correct?

SAWYER: Correct.

INSP. CAGNEY: And what is the response of

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the individual at this point?

SAWYER: As he's walking at no point did he stop, pause, take a time to reflect on what I said, anything. I'm yelling police, give me your hands, let me see your hands, let me see your hands. And he says let me see your hands is what he states as he's pulling up his sweatshirt.

INSP. CAGNEY: Pulling up his sweatshirt.

SAWYER: To expose his holster.

INSP. CAGNEY: Okay. Obviously you and Officer Schiff already have your weapons out at this point.

SAWYER: Correct.

INSP. CAGNEY: You're issuing commands and he says let me see your hands and he goes to his sweatshirt, lifts up his holster, am I getting that right? Or lifts up his shirt to expose his holster.

SAWYER: Correct.

INSP. CAGNEY: And then what happens after that?

SAWYER: He does not pause. He lifted up his sweatshirt to gain access to the gun on his hip. So it wasn't as if to display it to us, he pulled up the sweatshirt and immediately pulled out the gun, pointed it at us and right away I could

see a laser sight.

INSP. CAGNEY: Okay. And when you say pointed at you did he come up with a two-handed grip, a one-handed grip, did he point it in your direction?

SAWYER: Two hands.

INSP. CAGNEY: Two hands.

SAWYER: Directly as us.

INSP. CAGNEY: And you're still talking, I think you said twenty, thirty, feet or twenty, thirty yards. I'm not sure if I—

SAWYER: I'd say 25-30 yards.

INSP. CAGNEY: 25-30 yards, okay. Did he say anything?

SAWYER: After he had said let me see your hands I don't remember him saying anything.

INSP. CAGNEY: Just that, that's the only thing he said.

SAWYER: That's all I remember, yes.

INSP. CAGNEY: And he's continued to walk or does he stop when he pulls out the gun and with the two-handed grip points it in your direction?

SAWYER: Once he pulls the gun out he basically got in what they call a weaver stance where he basically has two feet shoulders squared

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and has the gun up. He's basically squared off with us.

INSP. CAGNEY: Okay. Again, nineteen years of experience you've said you've been in critical incidents before, you've been in incidents involving firearms before. What's your state of mind, what do you think is going on at this point? I mean, it's an obvious question but I have to ask.

SAWYER: No, I understand. We're in full uniform, it's easy to identify us, marked police vehicle right with us. It's completely obvious who we are. At that point because he had spoke English to us I know it wasn't a language barrier, it did not seem that he had some type of hearing issue, any type of mental illness that would cause me to think it was anything other than a man coming at us with a gun, with a gun pointed—it was not in a low ready position, it wasn't pointed at the sky. It was pointed directly at us. I thought he was going to shoot, fire and shoot me or shoot my partner. There was no question in my mind that this guy had bad intentions and I fired to protect myself and to protect my partner.

INSP. CAGNEY: Understood. Do you recall how many rounds you fired?

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SAWYER: No.

INSP. CAGNEY: Do you know if you did a magazine change or anything along those lines.

SAWYER: I did.

INSP. CAGNEY: You did one magazine change?

SAWYER: I did one magazine change.

INSP. CAGNEY: And your patrol rifle I would assume stayed in the trunk, that wasn't involved in this case.

SAWYER: Correct, correct.

INSP. CAGNEY: I'm not going to ask you what the other officers did in terms of how they fired. You said in terms of the sequence of the shooting that at some point he fell to his knees, is that correct?

SAWYER: Yes.

INSP. CAGNEY: So kind of take us through now he's on his knees, what happens next?

SAWYER: He fell to his knees but didn't pause there, he just went right basically to a prone position. I don't know if at that point he went to his knees because he had been shot or if because he took a prone position, I don't know. But once he went down I was able to slow up, assess, I

stopped firing, I had my sights on him, I was able to acquire my sights, and the gun did not go down. I was waiting as I'm assessing to say is this guy down, are we going to be able to take him into custody. But the gun came up and stayed up and I see his head up so I can tell this guy is still alive, conscious, alert, and still has bad intentions so I continued to fire.

INSP. CAGNEY: Understood. When you say gun up I don't know if that's a technical term or what—does that mean is it was still pointed downrange towards you and Officer Schiff, is that what you're saying?

SAWYER: It was pointed, yes, still at us, correct.

INSP. CAGNEY: So up in terms of still engaging so to speak at you and Officer Schiff, pointing in your direction.

SAWYER: Yes.

INSP. CAGNEY: Okay. So I guess at some point he falls completely to the ground, now he's down and out?

SAWYER: Well, he was still prone, he remained prone. The difference from when I was firing to when I stopped firing is I saw his head

lower down and it looked like the gun which was up went down. So it looked like he went limp.

INSP. CAGNEY: And then you mention I think when we spoke earlier that you said something about cease fire.

SAWYER: Yes.

INSP. CAGNEY: Okay, so take us from that point when the firing stops.

SAWYER: So the firing stops. I direct Officer Morse to the left and Schiff. I said let's go around in like a scrimmage line but spread out, have your guns up, we're still—and I'm still giving him commands on the way up, keep your hands up, keep your hands where I can see them. He's non-responsive. We went up the suspect. Someone, I don't remember who kicked the gun out of his hand and I'm yelling at this point officer involved shooting, send an ambulance, we turned him over he was still I don't want to say alive but he was still—he eyes were open, he was still breathing and we started to render aid and then he started going out of consciousness.

INSP. CAGNEY: Did he say anything?

SAWYER: No.

INSP. CAGNEY: Nothing. Let's see, what

else. Was he handcuffed as some point?

SAWYER: You know, I don't remember. Unfortunately for me because I've played Supervisor role I started directing people about what to do and I know someone was on the body, I do believe he was handcuffed. I don't remember at what point. But I honestly don't know.

INSP. CAGNEY: Sorry. Was there anything unusual about now that you're up close and personal you can see what you have in terms of the suspect, anything unusual about his appearance, anything about anything he was carrying, anything that he had in his possession other than obviously the gun and the holster?

SAWYER: Nothing comes to mind. Again, once there were enough officers on him and I knew the suspect was secure I started directing officers to do other crime scene stuff, so I actually diverted my attention away from the bad guy, I didn't go up and do any type of cursory search on him, I let the other officer do that while I was trying to direct the scene until another Supervisor came and relieved me.

INSP. CAGNEY: Understood. Did you see any non-police personnel that might have been a witness

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to this, anyone that you saw that might have percipient to the shooting itself?

SAWYER: The only person that I saw was a man walking out as I said prior to us engaging the suspect and then I directed one officer at one point to try to get the 911 caller that had been so descriptive to try to locate them.

INSP. CAGNEY: From the time—and again, this is one of those difficult questions to ask, but from the time that you're driving up the access road you first see the suspect about a hundred yards away walking towards you if I'm paraphrasing you correctly until the time the shooting is over, how long do you think when you first see until he drops, he's on the ground, how long do you think that took?

SAWYER: Less than thirty seconds.

INSP. CAGNEY: Thirty seconds, that fast. I mean that's getting out of the car, acquiring, giving commands, the shoot ensues and then you go up and render aid, that's thirty seconds, give or take?

SAWYER: Not to render—I'm sorry, to—

INSP. CAGNEY: The whole thing, by the time you were able to go up and assess his

condition, how long do you think that was?

SAWYER: A little longer, maybe a minute because one we found the suspect and got out of the car from the time I gave him verbal commands to the time shots were fired was very quickly because he produced the gun. Then when we were—when I told everyone to cease fire then there's a brief pause while we're still giving the additional commands telling him not to move and then we moved up in a slow fashion to get the gun out of his hands so that approach you know maybe under a minute or so for the whole thing.

INSP. CAGNEY: In terms of your role as a Supervisor did you query the other officers as to what their role in this was and how many times they'd fired or anything specifically regarding that?

SAWYER: I didn't ask them how many. The one thing I tried to do is immediately identify who shot so I said who fired, I want you guys separated and grabbed other officers to stay with them to separate them. I didn't ask anybody about how many rounds they fired. So I was thinking about the public safety statement so I figured okay we have, you know, myself and three other shooters, I had

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that established. We knew we had one suspect, nobody else. Another Sergeant Seth Risken came on-scene, I briefed him as to what I had and then tried to coordinate for all of us to leave the area because there was plenty of other cops coming up. So once Sergeant Risken was briefed about the amount of shooters, the amount of suspects, that it was contained, then we went ahead and left the area.

INSP. CAGNEY: Any chance you recognized the guy that was shot, any contact with him?

SAWYER: I don't to this—right now I still don't know his name.

INSP. CAGNEY: Never seen him before, anything like that.

SAWYER: No.

INSP. CAGNEY: Okay. Sergeant Burke.

SGT. BURKE: I've got a couple questions because you covered I think everything—we didn't get there until nighttime so we didn't see where the sun was and so as we were driving up we did see where your vehicle was and the suspect was so as you drove up are you driving and see him are you looking west?

SAWYER: Yeah, that's right.

SGT. BURKE: You are. So if the sun is setting because it was probably like—almost late, right?

SAWYER: You know, the sun was starting to go down but we had I'm telling you plenty of light. The light was not an issue at all.

SGT. BURKE: But so the sun—if it affected anybody it would affect—I mean it would be more setting in your eyes, not in his eyes. The sun would not be setting in his eyes because he's looking east, is that not—

SAWYER: That's correct.

SGT. BURKE: That's correct, uh-huh. And so you were fully illuminated? I mean obviously you just said that, right.

SAWYER: Yes.

SGT. BURKE: And is there anything that was between you and him that would have obstructed his vision of you? Is there anything that, you know—

SAWYER: No, it's a clear shot right to me.

SGT. BURKE: It's a clear shot right to you, so he's seeing you in marked uniform, marked patrol vehicles.

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SAWYER: Yeah, I'm in a Crown Vic, boy 130 is the vehicle number, it's a standard marked SDPD black and white, light bar on top, the whole thing.

SGT. BURKE: Perfect. When you did a mag change was your—was it a combat reload, tactical? Did you have rounds still in your magazine?

SAWYER: No, I went red, I went dry and reloaded.

SGT. BURKE: Okay, do you know if any first aid, what was done to the guy? Did you—you were direct—I think you kind of covered some of that but did you see anything that was done?

SAWYER: No, I know that there were officers around him. Again, I started directing the scene trying to get the ambulance up and I know guys were tending to him. I don't know what steps—

SGT. BURKE: Somebody was doing something to him, taking care of him.

SAWYER: Yes.

SGT. BURKE: Okay. And briefly you said the suspect's pistol got moved, do you know how it got moved—did it get kicked out of his hand, did it get moved?

SAWYER: Yeah, one of the officers and I don't know who kicked the weapon away from the

scene.

SGT. BURKE: That's the only thing I have.

INSP. CAGNEY: Investigator?

POSADA: I don't have any questions.

INSP. CAGNEY: Counselor?

FMSK: I have nothing.

INSP. CAGNEY: Counsel?

STERN: Just a couple as they say. Anything about the details in the call that made you think one way or the other whether this was an actual man with a gun? I'm assuming just based on my more limited experience than you that you go to some calls where people are reported with guns and they don't actually have them.

SAWYER: Yes, sir. The fact that the caller has said it was on his hip. Most gun calls that I've been too either the guy has a gun and it's either in his hand, in his waistband, waving it, whatever, and there's either merit or there's not merit but I've almost never been to a call of a shooter where a man with a gun having it on his hip or in a holster. That's very rare to see that so when I heard that right away I was—that's why I was kind of spitballing with Officer Schiff about hey listen when we go up let's start talking about this

as opposed to just going up and seeing what happens it was about let's talk about this, about our approach as we go up because it may be real, it may not but the fact that it had such a descriptive positioning of the gun led me to believe there may be a little more merit than most. Not that we don't take all gun calls seriously but it led me to believe—because it's very rare that I hear someone has a holster.

INSP. CAGNEY: You can get a flavor from the radio call, you can kind of tell what's legit and what isn't right?

SAWYER: Yes.

INSP. CAGNEY: After a few years doing this job.

SAWYER: Yes.

INSP. CAGNEY: I'm sorry.

STERN: No problem. Anything about the suspect's clothing that gave you any additional concern in terms of your response to the call?

INSP. CAGNEY: Yes, the bright red sweatshirt. You don't get too many calls regarding red or blue, either Norteno or Soreno, because of you've got gang territory down in the Mission, not too many people walk around with a holster wearing

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a bright red sweatshirt that aren't expecting some type of problem. You know, it's probably common knowledge in San Francisco depending on what areas you're in you've got a bright red sweatshirt or a bright blue sweatshirt you're asking for troubles if you're kind of out bounds in the wrong neighborhood and that was a key to me about you know maybe this guy may be legitimate or looking for a problem.

STERN: Which—just inform me which one is which. Which is red—which claims red and which claims blue?

SAWYER: So Norteno is red, Soreno is blue.

STERN: All right. I don't have anything else, thank you.

INSP. CAGNEY: What do you think, do you think this guy's intention is suicide by cop, think kind of—

SAWYER: After looking back it seems very reasonable that that would be an excuse because what normal person is going to walk down the street with a holster—one of the things I did think, it's a possibility, is if someone has a holster exposed maybe it's an off-duty cop who's doing something.

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But the red sweatshirt kind of took that out of my mind. But upon engaging that person what normal person is going to come across two uniformed police officers with a car which guns pointing at him and then do anything but put their hands up? And you might even be confrontational but who is going to tell me to put my hands up and then produce a gun? It just—you know, I look back now and I can't think of another excuse. I don't know what went through that man's head but it doesn't seem reasonable that any normal person would do that.

SGT. BURKE: I just have one other question [unintelligible] second guessing yourself, at the time that you showed up a gun call what was going through your mind at that time when you saw this person pull what obviously you thought was a gun?

SAWYER: As soon as I saw a gun and the big key for me was the laser sight on it, when I saw that—you never want to confuse it for some other object, some guys pulls something and it's a cell phone or something and when I saw a laser sight there was no doubt in my mind that he has some type of gun and I know I had a good position of cover but it doesn't mean the guy can't get

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lucky or I mean again, the worst part to me is if you have a person who has no cover who knows you're a policeman, who knows you're armed, and they're going to produce a gun and have basically a standout with you which means that they're not afraid, that's a problem because I want to go home that night, I can't afford to get shot or get into an issue and this man obviously has no fear of it. So there's a huge concern for my safety and the recruit officer's safety because this is now for real, it's not about some guy who want to get in a bar right, this is a guy that's ready to go toe to toe with a gun.

SGT. BURKE: I have no other questions.

INSP. CAGNEY: It's midnight. Again, case number 140 240 512. And Sergeant Sawyer, thank you Sergeant, I appreciate your help.

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INSP. CAGNEY: I'll just have you tell the story in a narrative fashion, kind of just tell your story as you see fit at your pace and then we'll probably slow it down and each of us will probably take specific questions as to what we think needs some clarification but you'll have a chance to kind of just tell it the way you remember it and then again we'll probably be more specific and what will happen is I'll ask most of the questions, the majority of the questions the my partner Sergeant Bonner, Inspector Bonner, and then obviously your counsel, the other counsel from the District Attorney's Office and the District Attorney investigator. Does that make sense?

SCHIFF: Absolutely.

INSP. CAGNEY: All right. This is John Cagney, Inspector of Homicide, 341. This is case number 140 240 512. The date now is 3-21 or 22?

INSP. BONNER: 22.

INSP. CAGNEY: 3-22-14, the time now is 0020 hours. I'm in the room with my partner.

INSP. BONNER: Inspector Carl Bonner, Star Number 1099.

POSADA: Jim Posada investigator San Francisco District Attorney's. Star 24.

INSP. CAGNEY: Counsel.

FMSK: [unintelligible] Assistant District Attorney.

STERN: And I'm Harry Stern, I'm here representing Officer Schiff.

INSP. CAGNEY: Officer Schiff can you give me your full name and your star number please.

SCHIFF: Absolutely. My full name is Richard Henry Schiff. My star number is 1968.

INSP. CAGNEY: And you're employed by the Police Department obviously.

SCHIFF: Yes, sir.

INSP. CAGNEY: And I understand that you're relatively new to the Department.

SCHIFF: I am.

INSP. CAGNEY: How much street experience do you have?

SCHIFF: About two and half months I believe.

INSP. CAGNEY: So you're in your third phase of field training?

SCHIFF: I am.

INSP. CAGNEY: And I understand your father is in the Police Department as well, right?

SCHIFF: Yes.

INSP. CAGNEY: And what was your uniform of the day today?

SCHIFF: I was a regular patrol uniform.

INSP. CAGNEY: So Class Bs?

SCHIFF: Class B uniform.

INSP. CAGNEY: As you're attired right now?

SCHIFF: Yes, sir.

INSP. CAGNEY: And what were you armed with today?

SCHIFF: I was carting my baton, my handgun, two magazines, mace. That's about it.

INSP. CAGNEY: Any secondary weapon?

SCHIFF: I carry no secondary weapon and no knife.

INSP. CAGNEY: Okay. Were you in a marked police vehicle?

SCHIFF: I was.

INSP. CAGNEY: Were you a passenger or a driver of this particular vehicle?

SCHIFF: I was the driver.

INSP. CAGNEY: And who were you working with tonight?

SCHIFF: Originally I was working with my FTO officer, Officer Fugata but I did a ride-along

with my Sergeant, Sergeant Sawyer who I was with at the time of the incident.

INSP. CAGNEY: And what was your shift today?

SCHIFF: It was 11:00 to 9:00.

INSP. CAGNEY: And your station?

SCHIFF: Ingleside.

INSP. CAGNEY: And what was your responsibilities today? Standard patrol, you worked the car sector? You doing something unusual in terms of your field training or anything.

SCHIFF: Standard patrol. No. Standard Patrol.

INSP. CAGNEY: Just out working your shift.

SCHIFF: Yes, sir.

INSP. CAGNEY: Again, I'm going to let you tell the story so in a narrative fashion take your time, you know, be as clear and concise as you can. Just talk us through the radio call all the way up until the end of the incident.

SCHIFF: Okay. Well at the time of the call Sergeant Sawyer and I were down on Mission Street. We received an A priority for a 221 on Bernal Heights. The call came out for someone on

the northern side of Bernal Heights with a 221. They said they saw them sitting, saw the weapon. We responded up to Bernal Heights. We actually ended up coming up on the south—the southern side of Bernal Heights as I believed that there was an entrance to the backside so we could actually come around back behind where they said the sighting was. And unfortunately it was blocked off and they actually had put in a pole so we couldn't go that way so we had to turn around, go around the opposite side, more eastbound around until we got to the northern side where the front entrance to the—it's like a big pathway. I don't know if you're familiar with Bernal Heights but it's a pathway that has a descending grade that goes around.

INSP. CAGNEY: Is that the metal gate?

SCHIFF: Yeah, the metal gate. And at that point I asked Dispatch you know I said hey we don't see the guy here at the northern side, is he inside or is he outside? At which point Dispatch told me they were trying to message back. At that point I decided to search inside so I drove up through the path, started heading up the hill. I know they were looking for a Latin male adult wearing a red jacket. As we pulled up a gentleman on the right

side of our vehicle as we're going up the hill passed us in a brown jacket and hat, didn't match the description. As we started to come around the curve we could see a flash of what looked like something red, then we saw the suspect emerge from around the corner, kept walking towards us. I drove straight until my FTO Sergeant said all right let's go a little further and stop here. Drove a little further, Sergeant says stop here. Put it in park. I started to exit the vehicle, open the door, saw that he had—he had risen his arms like this a little bit, you could see a black holster on his right hip. It was a black—it looked like a big plastic holster with a 221 weapon, a firearm. At the point that I saw that I drew my weapon obviously in fear that he had a weapons. I pointed it at him. I told him to show us his hands as well as I heard my Sergeant yelling to him show us your hands. At which point he looked directly at us, made eye contact with me, and then said—and this is about from almost maybe 25 to 30 yards—he said show me your hands.

Then he made a motion down, turned, drew the weapon and at that point I began firing. Sergeant Sawyer also was firing, I know that for sure. At

one point I know I ran dry. My weapon was out. I yelled red which means for us to switch magazines. I heard Sergeant yell covering. Switched out, felt the slide and began engaging the suspect again. He stood for most of those shots when we were firing he stood. At one point though he—I wasn't sure if he fell or not but he went down and laid flat on the ground in what would look kind of like a tactical position.

I could see a red light coming from whatever the firearm was that he had pointing straight at us which to me meant he may have had a laser on that. I continued to fire back until I heard my Sergeant say all right cease fire, cease fire.

We ceased fire. At that point I saw two officers come up on my right and left side. On the right side was Officer Chew. On the left side was Officer—I not sure if I say his name right—but Morse. And at that point the Sergeant said all right advance, advance. So we began advancing. I did a tactical reload which for us in the Department as you know means we drop out the magazine that we have not knowing how many rounds we have left and use a fresh magazine and reload to make sure that we have full founds in our weapons

to better protect ourselves.

As we got forward we got close to the suspect I saw Officer Morse kick the 221, the weapon, out of his hands which was clearly a weapon. As we got closer it looked like it may have been a Taser that he pulled on us and he kicked that away. I along with another officer who I'm not sure who it was immediately handcuffed and searched to see for additional weapons. I saw what looked like a mace can laying on the ground. I rolled him over. I checked to make sure that he didn't have any additional weapons and then I checked his pulse and when I felt his pulse—I didn't, when I checked his pulse I did not feel a pulse.

At that point other officers came up, secured the scene, immediately told us that we had to be separated, separated us and then followed the procedures.

INSP. CAGNEY: Okay. Well that's pretty clear and concise, I appreciate that. Before you know I forget because I have a tendency to lose my place in these interviews, did the suspect beyond show us your hands I guess you said he said, did he ever say anything else while he was laying on the ground for example?

SCHIFF: I didn't hear anything else. All I heard was the initial when he went for the weapon and drew it on us he said show me your hands and went to draw the weapon, looked right at both of us and pulled it out. At that point I was in fear for my life.

INSP. CAGNEY: Let me take you back to when you and Sergeant Sawyer were I guess issuing a traffic citation was my understanding.

SCHIFF: Yeah.

INSP. CAGNEY: And then as you said a 221 call came out which is a radio broadcast of a man with a gun.

SCHIFF: Yes.

INSP. CAGNEY: Was that if you can remember how long did it take you to get up to Bernal Heights and actually find that metal gate, let's go to that point of reference.

SCHIFF: The original metal gate?

INSP. CAGNEY: Yes.

SCHIFF: Yeah, I would say maybe six minutes tops to get up there. We were right by the main entrance, the fastest way to get there would probably be going up Cortland which I did and then I ended up going up Anderson and so about six

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minutes to get up to Bernal Heights and the original gate where I realized we had to go around the other side, we couldn't get through.

INSP. CAGNEY: If you remember—and of course there's a lot that's transpired tonight so if you don't that's fine—do you know if the radio was constantly updating you and Sergeant Sawyer as to regards as to what was going on with the gun, so you were getting a continuous update as you were responding?

SCHIFF: Yes.

INSP. CAGNEY: Do you know if you and Sergeant Sawyer were the first responding unit or just one among many units?

SCHIFF: I was the first responding unit. I came up for the call immediately.

INSP. CAGNEY: So that was going to be your call.

SCHIFF: And several units came to back, I can't remember which exact units called on to back.

INSP. CAGNEY: So I'll take you up to the metal gate. So you're blocked by the gate so how do you gain access to that access road with that gate closed?

SCHIFF: So the first gate when I was on

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the south side when I realized there was no really access through there with my vehicle and I still knew he'd be on the north side according to what the information that we had. I backed up, went around east all the way around to the front side where there is—it's a front sliding metal gate as most parks have, the standard kind of triangle stretched out lock. Then next to it is a small path with several rocks and the rocks are spaced just far enough as I've actually gone up there before for several trespasser calls with my vehicle that I knew I could get through there. So I told Sergeant Sawyer I know I can get through here, I drove us through there and then that's when we made the ascending grade up to where we met the suspect.

INSP. CAGNEY: And I know that you said you have about two and a half months of experience obviously you have your six or seven months in the Academy, I don't even know how many weeks it is.

SCHIFF: Seven.

INSP. CAGNEY: Seven. Do you have any other previous law enforcement experience?

SCHIFF: No.

INSP. CAGNEY: Military experience?

SCHIFF: No.

INSP. CAGNEY: And you're two and a half months which is a brief time but I mean this is a busy city, have you responded on gun calls before?

SCHIFF: Absolutely.

INSP. CAGNEY: Have you encountered armed subjects before?

SCHIFF: Yes. I had not encountered someone with a firearm yet, that was my first experience with that.

INSP. CAGNEY: What kind of discussion was going on between you and Sergeant Sawyer in the car, responding to the call and when you arrive at this metal gate and then when you pass that metal gate and you ascend up the grade?

SCHIFF: Responding up to the call Sergeant Sawyer was talking about tactically what we would do. He goes you know make sure you can see the suspect, make sure you can see what they have. To be honest with you I can't remember everything he said. He went over quite a few tactical situations he discussed with me on the way up but other than that you know he repeatedly went over the description with me while I was driving up and was always calling out, we both were on the radio. At the time of the shooting while we were

responding to the fire I could hear Sergeant Sawyer through my earpiece and through my PIC communicating with Dispatch, letting them know that we were going Code 33 and 406 and at that point I knew that he had the air and I continued to fire. So other than that I can't remember anything else that he really said going up there.

INSP. CAGNEY: Okay. I'm going to take you back to ascending up the road after you passed the metal gate. You are driving, Sergeant Sawyer is the passenger, you're driving. My understanding is—and again, I don't want to put words in your mouth—but the lighting conditions were reasonably good at that point.

SCHIFF: Oh, very good.

INSP. CAGNEY: The sun was up, this wasn't—you know, when we got there was low light conditions so we assumed it was dark but that wasn't the case.

SCHIFF: Yeah.

INSP. CAGNEY: How would you characterize the lighting conditions?

SCHIFF: Clear.

INSP. CAGNEY: Clear?

SCHIFF: Yeah.

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INSP. CAGNEY: No obstructions or anything?

SCHIFF: No.

INSP. CAGNEY: Nothing like that.

SCHIFF: No, I could see straight ahead of me.

INSP. CAGNEY: And what point—and just your perceptions at what point did you spot who you believe I guess now the suspect? I mean, did you see him from a long distance away? Did he pop out of nowhere right in front of you?

SCHIFF: Originally we saw him from a long distance away of course he matched the description from what I could see.

INSP. CAGNEY: Did you instantly know hey that's going to be the guy?

SCHIFF: Oh yeah, instantly we knew. As I was driving up to him, you know, generally when someone sees a police vehicle coming straight towards them they tend to stop, they tend to back off, realize that something's going on. He continued to walk straight towards us with complete disregard, didn't stop at all, didn't stop until I actually had stopped the car, got out and drawn my 221 at which point that's when he stopped and then

he went for the gun, so.

INSP. CAGNEY: How would you estimate your speed while you were ascending the road before you spot him or just about the time you see him? Were you barreling up the road at a good clip or were you going cautiously, slowly, or—

SCHIFF: I was going slow. I was maybe between five and ten.

INSP. CAGNEY: So you're basically taking your time.

SCHIFF: Yeah, I wouldn't want to go too fast and miss anything.

INSP. CAGNEY: I understand. Do you know if you had your red light illuminated on the light bar or any of the emergency equipment activated?

SCHIFF: No, I did not at that point.

INSP. CAGNEY: So you and Sergeant Sawyer—well, I don't want to speak for Sergeant Sawyer. You see the suspect and he's probably a long distance away if I recall what you said.

SCHIFF: Yes.

INSP. CAGNEY: What is he doing when you first see him?

SCHIFF: Walking straight towards us.

INSP. CAGNEY: Did you see anything in his

hands?

SCHIFF: No, nothing in his hands at that point.

INSP. CAGNEY: Can you make out any details about his appearance or—

SCHIFF: He walked, he appeared to be slouching side to side, came straight towards us. You know, he was walking at—I guess you wouldn't say an aggressive pace but he was talking—

INSP. CAGNEY: Purposely?

SCHIFF: Purposely towards us at which point I saw him and I began to slow down and Sarge said no, let's try and get a little bit closer before we get out on him just to make sure we can see. We went forward a little more and then Sarge said this is good. I stopped there and that's when we hopped out and that's when—

INSP. CAGNEY: When you popped out of the driver's side—

SCHIFF: Yes, sir.

INSP. CAGNEY: I know there was—as it turns out I don't know if you remember this but there was two radio cars that were on that road so one was I'll call it one to the left which is the closest to the hill and one to the right which

would be, you know, basically to the north towards the Mission District. Which radio car were you if you can remember?

SCHIFF: I was the car closest to the suspect.

INSP. CAGNEY: Okay, so the one that was a little bit offset to the forward of it.

SCHIFF: Yeah.

INSP. CAGNEY: Okay, I see. So you get out, I assume Sergeant Sawyer gets out, and I assume you have your weapon out immediately?

SCHIFF: Oh absolutely, yeah. Call with someone with a handgun of course I have my weapon out.

INSP. CAGNEY: And what's going through your mind when you got out of the car?

SCHIFF: You know, my thought process is if this guy has a weapon he can kill us. He's walking towards us already. He's not—he's walking purposely towards us, I drew my gun, I wanted to make sure that he didn't have a weapon. I told him to show me his hands. He didn't comply. He yelled back at me at which point when I saw his shirt life and I could see it I told him I see—I tried to tell him I see the gun, he's already gone for it. He

drew it and once he drew it at that point I knew that if I had not fired I could possibly be dead within the next few seconds.

INSP. CAGNEY: Just to kind of break down the mechanics of all this—you get out of the car, he's walking towards you and I'm just kind of paraphrasing to get you up to speed on where I want you to start talking. What's the first threatening thing he does besides him purposely walking towards you? Does he stop and lift up his shirt or what exactly does he do?

SCHIFF: He stops and he takes an aggressive stance.

INSP. CAGNEY: What is that?

SCHIFF: It's where one leg is forward, one leg is back. It's more like a fighting stance. It's something you'd see traditionally like you would look at a boxer, anyone who fights, it's in a stance where--a defensive stance or non-complying stance. And so at that point he stopped, he raised his hands. I wasn't sure if his hands came up in a fist or anything like that but they came up to the chest level.

INSP. CAGNEY: Chest level, okay.

SCHIFF: Which for us is something that we

do when we practice when drawing our weapons. So he came up like that—

INSP. CAGNEY: Hands free.

SCHIFF: Yeah, he demonstrated he could possibly have some military experience or some sort of background with firearms, especially when I saw the holster on his hip and what appeared to be the firearm. At that point I knew this guy may have some serious training and he may know what he's doing.

INSP. CAGNEY: When you say his hands come up to his chest during his physical movement, is that when the gun is exposed or the holster is exposed?

SCHIFF: That's when the gun was exposed to me and that's when I saw it.

INSP. CAGNEY: All right. And then take me up to that point now, he's got his hands up, the gun has been exposed, what happens—what does he do next?

SCHIFF: Next thing he does is that's when we say show us your hands, show us your hands, we're yelling to him and then he replied show me your hands and then goes down and draws the weapon with his right hand.

INSP. CAGNEY: Okay, so right hand. So does he do it in a, you know, classic fashion where you go to the holster, break leather so to speak, and come right up?

SCHIFF: The same exact way I have been taught and trained to do in the academy.

INSP. CAGNEY: Okay. And he comes up with the gun. Two-handed, one-handed?

SCHIFF: Comes out one-handed, immediately points it towards us. That's when I started firing. While I'm firing I could still see what appeared to be like a red light or something emanating from the weapon. I'm not sure if that was a reflection or something but it looked like a laser and, yeah, at that point we were already engaging the suspect.

INSP. CAGNEY: I think you said 25 to 30 yards, is that correct about the distances.

SCHIFF: Yes, I did.

INSP. CAGNEY: Could you discern at that point, you know, any particular details of what he was wearing what his demeanor was, was he disheveled, was his oriented? Was there anything about—you get the point, what was your assessment although a million things are going on.

SCHIFF: Facial expressions at 25 to 30

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yards diminish but you know he had an upset face. I could you know he's looking right at me, I could see his eyes at least and coupled with what he said and his aggressive stance he definitely presented a serious threat.

INSP. CAGNEY: That was your impression of his physicality of what he was projecting to you?

SCHIFF: Oh absolutely, yeah.

INSP. CAGNEY: What about just give us a thumbnail description of what the guy looked like.

SCHIFF: He looked to be a Latin male. I'd say maybe in his thirties. He looked around six-one, maybe 200 pounds. So a fairly large individual at least from where I was standing.

INSP. CAGNEY: Age, clothing?

SCHIFF: Yeah, like I said he looked to be around thirty years or so. He had a red shirt on. Then he had some sort of red zip-up sweatshirt on, then he had a white shirt underneath and then he had blue jeans on and I think black and red shoes, I'm not positive.

INSP. CAGNEY: And I know you're already described the gun but if you have any more details what color was it, did it look like a semiauto or a pistol?

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SCHIFF: It looked like a semiautomatic pistol like the one I carry, the Sigsaur P226. It was a big heavy and bulky looking. It looked like it could have been a higher caliber when he drew it on us. All I saw was straight black, the holster is black, the weapon was black, but it was something I absolutely recognized to be a firearm. Upon approach once we had—he had gone down and stopped moving we made our approach and at that point I could see what looked like maybe two yellow lines on the side and it looked like coils. At that point I assumed that it may have been a Taser. And that's when Officer Morse kicked the Taser away and we handcuffed him. I rolled him over to check his pulse and I didn't feel anything.

INSP. CAGNEY: I'll just bring you back to the point where he's now got his hand out extended towards you.

SCHIFF: Absolutely.

INSP. CAGNEY: Sergeant Sawyer and you see the red laser. So you engage him.

SCHIFF: Yeah.

INSP. CAGNEY: So are your rounds, they're going downrange and what happens to him, is he immediately struck at least by your estimation?

Does he fall to his knees, does he fall to the ground? What happens?

SCHIFF: For a while I'm firing at him and I don't see him go down. I do see him move as though maybe he had been hit by something but he didn't go down. At the point where I switched my magazine where I had run dry and I would switch magazine he was still standing. When I switched and gone back that's when I saw him come down forward and he appeared to have his arms out in front of him and I could see the weapon and what appeared to be the laser out in front which made me thing that he had had possibly taken a tactical position.

INSP. CAGNEY: What does that mean, a tactical position?

SCHIFF: By tactical position I mean that he tried to lower himself to the ground to make himself less of a target while Sergeant Sawyer and I had cover with our vehicle and both of were using our own vehicles as cover to protect us from flying ammunition. He did not have that [unintelligible] because it was an open street so a tactical mind would think I want to get low to the ground and make myself as small as possible and the fact that I can still see the firearm in front of him told me

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that he was still trying to fire back at us.

INSP. CAGNEY: So just describe that. He falls forward I assume now, he's on his stomach?

SCHIFF: He's on his stomach.

INSP. CAGNEY: And the gun is still extended out?

SCHIFF: Yes.

INSP. CAGNEY: In a firing position potentially?

SCHIFF: Yes.

INSP. CAGNEY: Okay. And you're still engaging?

SCHIFF: Yes.

INSP. CAGNEY: And at what point do you stop shooting?

SCHIFF: When I hear my Sergeant say cease fire, cease fire. At that point I stopped firing.

INSP. CAGNEY: And what's the suspect doing at that point?

SCHIFF: The suspect was laying there in the same position, no longer moving.

INSP. CAGNEY: Is the fact that I assume is the only Sergeant on the scene was Sergeant Sawyer that he told you to cease fire, was that the reason why you stopped or?

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SCHIFF: That was Sergeant Sawyer.

INSP. CAGNEY: Or did you still think hey this guy is still a threat but my Sergeant is telling me to stop shooting?

SCHIFF: I thought he was still a threat especially with the position he was lying in. At that point I didn't see him moving but I have no idea what he's doing. He's at 25 yards, I can't see if he's breathing, I can't see any of those, I can't see his respiratory rate. So at that point I was still engaging the suspect until I heard Sergeant Sawyer say cease fire, cease fire. And then we stopped, we took a minute, we assessed to see, we looked and then Sergeant Sawyer while the other two units came up on—Officer Morse came up on my left and Officer Nate Chew came up on Sergeant Sawyer's right, that's the point when Sergeant Sawyer told us to make our advance.

INSP. CAGNEY: Do you know if the two officers you describe, Officers Chew and Morse, do you know if they engaged?

SCHIFF: I have no idea. They were behind me, I could not see.

INSP. CAGNEY: And so you don't know what their role in this was.

SCHIFF: No, aside from clearing the area and moving forward to the suspect with me, other than that I have no idea.

INSP. CAGNEY: Did you recognize the suspect when you got close to him? Had you ever seen him before, any contact with him, anything like that?

SCHIFF: Never seen him before.

INSP. CAGNEY: Your esteemed counselor brought up a very good point in a previous interview about—

STERN: That would be a first.

INSP. CAGNEY: About something about his attire that potentially had some evidentiary or some threat value.

SCHIFF: Yes, the color does represented especially in the area we're around, Mission Street, gang. It's a common gang color.

INSP. CAGNEY: Were you cognizant of that when you saw it initially or is this something that you thought about afterwards.

SCHIFF: Oh yeah absolutely. When we hear a call for example like a Latin male with red on with a 221 you know that immediately seems in my head that that guy could be gang affiliated

especially being so close to the Mission.

INSP. CAGNEY: Do you recall your Sergeant or the other two officers, Chew and Morse saying anything when you were both—all four of you were up at the suspect assessing him? Any discussions, anything unusual?

SCHIFF: No. I didn't hear anything. Sergeant Sawyer immediately turned around and began giving instructions on what to do. You know, he started talking to other units. I had already been on the suspect and I had checked him, announced that I didn't feel a pulse and at that point other officers told me to step back and decided that we needed to be separated.

INSP. CAGNEY: Do you recall who handcuffed the suspect?

SCHIFF: You know, I honestly don't remember who put the handcuffs on. I helped put the right hand back behind and hand it to the officer but my focus was immediately on making sure that there was no weapons on the officer—I'm sorry, on the suspect.

INSP. CAGNEY: I got the point though. [laughs] Inspector Bonner?

INSP. BONNER: [unintelligible] checklist

checking off things that you've got. Maybe I'm being redundant—when you first engaged and started giving commands was there just one person directly their commands at him or were there several people at the same time?

SCHIFF: At what point?

INSP. BONNER: When you first engaged him and you wanted to kind of control and direct him.

SCHIFF: Yeah, at that point it was just as far as I remember it was just Sergeant Sawyer and I and I could hear him yelling as well as myself.

INSP. BONNER: And only if you can remember, did he—what was the first thing he did when he—did he pause? Did he—

SCHIFF: That's when he stopped and he took the fighting stance. That's when—because he continued to walk towards us until we had stopped, exited our vehicle halfway and then pointed our weapons at him and told him to stop, that's when he stopped, took the aggressive stance, rose his hands up to his chest and then everything else that followed.

INSP. BONNER: He gave you the appearance that he started to draw his own weapon because he

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recognized that—

SCHIFF: Yes.

INSP. BONNER: And another thing my partner talked about the—because when we got out there it was pretty dark, it was—was it dusk enough to see without any assistance? You didn't have your spotlights on?

SCHIFF: No.

INSP. BONNER: You didn't need your spotlights for assistance?

SCHIFF: No.

INSP. BONNER: Okay.

SCHIFF: At that point I had clear vision.

INSP. BONNER: And when he was handcuffed you said he was pat searched for additional weapons?

SCHIFF: Yeah.

INSP. BONNER: Did you find anything like knives, anything like that?

SCHIFF: I didn't find anything but there had already been certain items dropped out on the floor which I didn't take time to go over which looked like there may have been a mace or something there, I'm not sure what it was.

INSP. BONNER: Any other items that you

can recall?

SCHIFF: Nothing that I found. I didn't really get to complete the search until I was pulled off by another officer who took over.

INSP. CAGNEY: You know I have a couple— I'm sorry, did I cut you off?

INSP. BONNER: No, no, no, you pretty much covered everything I had.

INSP. CAGNEY: You know a couple—I missed a couple things. How long do you think from the time that you spot the suspect until the time the incident is over and you're checking his pulse on it? Time is a difficult thing to estimate so I'm not expecting—

SCHIFF: Yeah, absolutely, especially in a firefight.

INSP. CAGNEY: Sure, I get it but I mean your best recollection. I guess what I'm getting at is it one of these kinds of things or was there time to go along and—

SCHIFF: Considering the fact that I guess I'd have to say maybe the whole firefight took two minutes, two, three minutes respectfully thinking that while my mind is wanting to say oh ten minutes, it must have been more like two or three.

INSP. CAGNEY: And again difficult and you know obviously you're trained not to really count your rounds but any idea how many rounds you fired or how many rounds were fired in total?

SCHIFF: No, I knew obviously I fired more than one. I know I finished what I had in my first magazine. I'm not sure how many I fired in the second magazine and then while advancing I did a tactical reload to make sure that I had full rounds in my gun in case the suspect was still, you know, lying there still a threat.

INSP. CAGNEY: And you mentioned that you were aware the Sergeant Sawyer was firing at well.

SCHIFF: Absolutely.

INSP. CAGNEY: Could you—were you aware that other officers were also engaging or just to your knowledge it was you and Sergeant Sawyer?

SCHIFF: No, my focus was forward. I couldn't see any officers that were behind me.

INSP. CAGNEY: Fair enough.

INSP. BONNER: And do you top off your magazines?

SCHIFF: Top off, sir?

INSP. BONNER: Yes, a term we use. Were they fully loaded and full capacity and so forth?

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SCHIFF: Yes.

INSP. BONNER: So you had a total of what, 37, one in the chamber and 37.

SCHIFF: Yes.

INSP. BONNER: And you only carry three magazines with you?

SCHIFF: Yes, sir.

INSP. CAGNEY: Counsel?

FMSK: What time did you and Sergeant Sawyer start the ride-along approximately?

SCHIFF: You know, I have to say I know I did my 585 at basically 1900 hours so I'd say maybe fifteen minutes prior to that so maybe more like 1830 or 1840 or 1845, right around there.

FMSK: And as you and Sergeant Sawyer approached the Bernal Heights hill and the suspect what—did you encounter any other [unintelligible] do you recall seeing anyone else?

SCHIFF: I saw as I said when we first entered the pathway once I got our vehicle past the gate I saw a gentleman maybe five-six or so with a brown shirt on and a hat and blue jeans walking past us. Obviously he didn't fit the description so we were continuing our search for the suspect and within seconds of him even being seen and pass us

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that's when we saw the suspect.

FMSK: Race of that person, did you notice?

SCHIFF: You know, I'm not exactly sure. He could have been Latino. I'm not positive.

FMSK: Thank you.

INSP. CAGNEY: Counselor?

POSADA: No thank you.

INSP. CAGNEY: Officer, any questions for us?

SCHIFF: No, sir.

INSP. CAGNEY: Okay, I'm going to terminate the interview now at 1245, am I getting that right, 1245 on the 23rd.

END OF DOCUMENT

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MSPK: Are you two guys doing this then, is that what we're doing? All right, no, no, hey Carl that's fine. [background conversation]

SGT. BURKE: This is Sergeant John Burke, Star 2240. We're investigating an officer involved shooting. It's case number 140 240 512. It's Saturday, March 22nd, 2014 and it's about 1:00 o'clock in the morning and we are interviewing Officer—

CHEW: Nathan Chew, Star Number 2088.

SGT. BURKE: N-a-t-h-a-n?

CHEW: Correct. C-h-e-w.

SGT. BURKE: What's your Star Number, I'm sorry.

CHEW: 2088.

SGT. BURKE: Okay and with me is—

INSP. BONNER: Inspector Carl Bonner, Star Number 1099, Homicide Detail.

FMSK: [unintelligible] Assistant District Attorney.

POSADA: Jim Posada, San Francisco DA Investigator, Star 24.

STERN: Hi, I'm Harry Stern and I'm here representing Officer Chew.

SGT. BURKE: Okay Officer Chew, what was

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your unit assignment today?

CHEW: Today we were the 3 Henry 15 David.

SGT. BURKE: And who was your partner?

CHEW: Officer Roger Morse.

SGT. BURKE: How do you spell his last name?

CHEW: M-o-r-s-e.

SGT. BURKE: Okay, I'll get all his horsepower later. And what uniform were you wearing today?

CHEW: Police uniform.

SGT. BURKE: Okay, was it a wool uniform?

CHEW: Correct.

SGT. BURKE: It was, Class B uniform?

CHEW: Correct, long-sleeve.

SGT. BURKE: Long sleeve.

CHEW: Yes.

SGT. BURKE: Did you have a jacket on?

CHEW: Did not have a jacket on.

SGT. BURKE: Okay. So did you have shoulder patches and everything like that?

CHEW: Correct.

SGT. BURKE: Okay. And what weapon were you carrying?

CHEW: Department issue. A Sig P226.

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SGT. BURKE: And you were driving a marked unit?

CHEW: Correct.

SGT. BURKE: Black and white?

CHEW: Correct.

SGT. BURKE: Do you know what unit it was, what vehicle number it was?

CHEW: I don't remember.

SGT. BURKE: You don't, okay. Were you the driver or the passenger?

CHEW: I was the passenger.

SGT. BURKE: Okay. So Officer Morse was the driver?

CHEW: Correct.

SGT. BURKE: Are you a left-handed or right-handed shooter?

CHEW: Right hand.

SGT. BURKE: Okay. Do you know if Officer Morse is left-handed or right-handed shooter?

CHEW: I think he's left-handed.

SGT. BURKE: Okay. And was there any other weapons inside the vehicle?

CHEW: There's a less lethal.

SGT. BURKE: Less lethal.

CHEW: In the trunk of our vehicle.

SGT. BURKE: In the trunk of the vehicle.

CHEW: Correct.

SGT. BURKE: How about were you driving a caged vehicle?

CHEW: Yes.

SGT. BURKE: Okay. Was there a patrol rifle and or a shotgun?

CHEW: No.

SGT. BURKE: Okay. All right, and to the best of your words why don't you tell me in your own words what happened.

CHEW: We received a call about a male subject in the area of Bernal Heights Park, a Hispanic male wearing a red jacket and I believe black pants, had a gun on his waist. So Officer Morse and I responded out there. As we were approaching Bernal Heights that access road [unintelligible] over there at Folsom we see a patrol vehicle up that road and a male subject with a red jacket stopped in the middle of the road standing up. Officer Morse then drives our patrol vehicle onto that access road as other officers are running up towards that other patrol vehicle.

We hear—I heard about maybe five, six shots fired. I was—I didn't know if it was the suspect

shooting or officer shooting. I hear over the radio officer involved 216. So Officer Morse drives the vehicle up. I see as we pull up I see Sergeant Sawyer on the passenger side of his vehicle, gun drawn, pointing at the suspect. The suspect is now in a prone position pointing what looked like a firearm, a dark firearm with a laser pointer on it. When I exited the vehicle I could see that laser part kind of glint across my eyes so I shifted to the right believing that he was trying to fire at one of us.

I fired my gun in an attempt to stop the threat.

SGT. BURKE: Okay. So why don't you draw me a little schematic of the road, Sergeant Sawyer's vehicle and where you pulled up and where you parked your vehicle as best you can and the suspect's.

CHEW: Okay, this is the [unintelligible] here. This is the Sergeant's vehicle, the suspect's.

SGT. BURKE: Why don't we put the door is open, okay, so—

CHEW: Suspect's standing. I saw that from before we hit the gate Officer Morse drives up and

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positions the vehicle next to [unintelligible] vehicle. I think we were a little bit behind it and at this point [unintelligible] he's no longer standing he's in a prone position.

SGT. BURKE: Okay. And was his head facing this way? Was his facing—

CHEW: His head was facing towards kind of in this general direction towards us.

SGT. BURKE: Okay, so he—okay, and he's on the ground facing that vehicle.

CHEW: Correct.

SGT. BURKE: And so you got out. You got out the passenger side?

CHEW: Yeah, actually sorry it's off the road a little bit.

SGT. BURKE: It's off the road a little bit.

CHEW: I mean the drawing is off the road. We were still on the—

SGT. BURKE: You were still on the road?

CHEW: Yeah, yeah.

SGT. BURKE: All right. As you're driving—and you said there were other officers that were running. Were they behind the gate when they were running?

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CHEW: No, they were in front of the gate.

SGT. BURKE: Okay and did you guys just drive past them?

CHEW: Correct.

SGT. BURKE: So the road's a little bit longer. I mean if this is the size of the vehicle this isn't exactly done to diagram.

CHEW: No.

SGT. BURKE: Is that correct?

CHEW: Yeah.

SGT. BURKE: All right. Can you just sign that for me, just you know quick and then put maybe not to scale or you know—good enough, okay. And so let's slow back down and ask as you're driving up you're hearing shots fired?

CHEW: Correct.

SGT. BURKE: How many shots fired do you think that you heard as you were approaching?

CHEW: I think maybe about five that I recall.

SGT. BURKE: Do you know if Sergeant Sawyer and Officer Schiff were both firing?

CHEW: I don't know.

SGT. BURKE: You don't know. Did you hear any commands being given?

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CHEW: Now as we were driving, no.

SGT. BURKE: You didn't hear any commands given? Okay. When you exited your vehicle did you hear any commands given?

CHEW: You know what, when we exited out vehicle I could hear rounds still being fired.

SGT. BURKE: Okay and so nobody was yelling anything?

CHEW: No.

SGT. BURKE: Okay. Did you give any commands?

CHEW: I didn't.

SGT. BURKE: Okay. How many time do you think that you fired?

CHEW: Maybe about four or five times.

SGT. BURKE: Okay. Did you do a magazine change at the end of this?

CHEW: I did not.

SGT. BURKE: You did not. How many times do you think your partner fired? Do you know if your partner fired?

CHEW: I don't.

SGT. BURKE: You don't know.

CHEW: No.

SGT. BURKE: Okay. And do you know if

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Officer Schiff fired?

CHEW: I don't know.

SGT. BURKE: Okay. Do you know if Sergeant Sawyer fired?

CHEW: I don't know.

SGT. BURKE: You don't know which?

CHEW: I heard one of them—one of them, I heard one of them yell out red indicating that his magazine was empty or he was reloading.

SGT. BURKE: Okay, do you know which officer did that?

CHEW: I don't know.

SGT. BURKE: Okay. Tell me what happened after that, after you hear the shots? How did the shots stop firing?

CHEW: You could still see the suspect head up looking at us, arms still extended as he's still aiming in our direction. I could hear shots fired. I fired my gun maybe four or five times. Finally his head dropped and he pulled the weapon towards his body and it kind of looked like he was sleeping.

SGT. BURKE: Okay. Did you hear any commands being given?

CHEW: I could hear Officer Morse yell out

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let go of the weapon or don't move.

SGT. BURKE: All right, so your partner yelled that?

CHEW: Yes.

SGT. BURKE: Did you hear Sergeant Sawyer yelling anything out?

CHEW: No.

SGT. BURKE: Okay. Officer Schiff yell anything out?

CHEW: No.

SGT. BURKE: Okay did you hear anybody yell out stop shooting, stop firing, cease firing?

CHEW: I heard—I believe Sergeant Sawyer said stop firing.

SGT. BURKE: Okay. Then what happened next?

CHEW: The four of us, Officer Schiff, Sergeant Sawyer, Officer Morse and myself approached the suspect with guns drawn still. Officer Morse kicked at what I believe it looked like a Taser now, as we moved closer we kicked the Taser out of his hands and handcuffed the suspect.

SGT. BURKE: And what if anything happened after that?

CHEW: I was—after I handcuffed the

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suspect I was told to move back because he was bleeding still and officers with gloves on wanted to take over and search him. And I stepped away.

SGT. BURKE: Okay. Did you see any officers search the suspect after that?

CHEW: No.

SGT. BURKE: Did you see any officers give any aid to the suspect?

CHEW: I believe Officer Schiff was checking for vital signs.

SGT. BURKE: Did you hear anybody—do you recall if anybody called over the radio giving any commands, any requests for help?

CHEW: I believe Sergeant Sawyer called for an ambulance.

SGT. BURKE: Okay. As you were initially—let me go way, way, back as you were initially responding to this for service why don't you walk me through, what call were you on—were you on a call for service prior, were you just 10-8.

CHEW: No. We were just 10-8.

SGT. BURKE: Where were when you first heard this call go out on the radio?

CHEW: We were in the Sunnydale projects.

SGT. BURKE: Okay and did you come Code 3

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or how did you respond to [unintelligible]

CHEW: No, I don't think we just drove Code 3. We hit the freeway, we drove on the freeway so that go us there pretty quickly.

SGT. BURKE: Okay, so where on the freeway did you on? Did you get on at—

CHEW: Right at Bayshore.

SGT. BURKE: So you took 101?

CHEW: Yeah.

SGT. BURKE: You got on 101 at Bayshore and then where did you exit?

CHEW: Exit where Lowe's is. I forgot what exit that is.

SGT. BURKE: Okay, that's Bayshore also.

CHEW: Yeah, right at Bayshore again and made a left turn our Cortland.

SGT. BURKE: Okay.

CHEW: Cortland to Anderson. Anderson takes us straight up to Bernal Heights Park on the other side of the hill.

SGT. BURKE: So you approached from the south side of Bernal Heights?

CHEW: Correct.

SGT. BURKE: And where did you go when you went up there?

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CHEW: I believe—or we heard a unit say they had the suspect in sight now and—

SGT. BURKE: Do you recall which unit that was?

CHEW: I don't. And so Officer Morse drove the patrol vehicle to the access road where the incident occurred because usually that's where everyone tends to drive to [unintelligible] out there.

SGT. BURKE: Okay, all right. Did you see other officers, units in the area there besides people that were on foot and besides Sergeant Sawyer's vehicle?

CHEW: There was another car on the Anderson side with us when we first went up Anderson and then they were—they went around there and we lost sight of them.

SGT. BURKE: Were you searching the area where just as you came up you hear the office say hey we got them in sight just—

CHEW: Yeah, correct, so we went from Anderson straight over down Bernal Heights to Folsom side.

SGT. BURKE: Tell me about the illumination that was—do you recall where the sun

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was, where the sun was in your eyes or it would have been in the suspect's eyes?

CHEW: No, I don't recall that.

SGT. BURKE: Could you clearly see the see the suspect?

CHEW: I could clearly see the suspect.

SGT. BURKE: Was there any object or anything in between your line of vision from the suspect and or his line of vision of you?

CHEW: No. Aside from maybe the car vehicle door.

SGT. BURKE: But your vehicles are clearly marked both vehicles.

CHEW: Correct.

SGT. BURKE: Everybody is in uniform?

CHEW: Yes.

SGT. BURKE: And you never heard him say anything or did you hear him say anything?

CHEW: No.

SGT. BURKE: I don't think I have any other. I don't have any other questions.

INSP. CAGNEY: Did you—one other question. You said—did you see a laser sight on the suspect's weapon?

CHEW: Yes.

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INSP. CAGNEY: Did you see where that laser sight was pointing to?

CHEW: In the direction of the four of us. I remember seeing it kind of glint maybe if it like crossed my eyesight which kind of made me a little bit nervous which made me move to the right for a split second just to—in case he was aiming at me.

INSP. CAGNEY: At the time that you saw that what did you think the suspect had in his hands?

CHEW: A gun.

INSP. CAGNEY: Did you—what did you think then?

CHEW: I'm thinking if he's aiming a gun with a laser pointer at four uniformed officers and two marked patrol cars he's going to fire it at us.

INSP. CAGNEY: So what did you feel?

CHEW: A little bit afraid.

INSP. BONNER: When you first—when you saw he was down, he went—he went down after you guys stopped shooting and—

CHEW: In the prone position?

INSP. BONNER: Yeah.

CHEW: He was—when we pulled up next to Sergeant Sawyer's car he was now in the prone

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position.

INSP. BONNER: So when you arrive he was already in a prone position.

CHEW: Correct.

INSP. BONNER: And when you first saw him did it appear that he had his arms extended?

CHEW: Correct.

INSP. BONNER: And you were able to visible see that he had what you believed to be a firearm at that time?

CHEW: Yes.

INSP. BONNER: And then when the shooting stopped and you approached him who handcuffed him?

CHEW: I did.

INSP. BONNER: You did.

CHEW: Yeah.

INSP. BONNER: And then was the—and when did you first realized that it was a Taser?

CHEW: When we walked up to—I think Officer Morse approached him first maybe when I was about five feet away from him I could see it—clearly see it in hand it looked like, it looked like a Taser.

INSP. BONNER: And did you just immediately discard it or secure it or?

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CHEW: He still had it in his hands, in the grip of his hand so Officer Morse kicked it out of his hands.

INSP. BONNER: And it was—was it deployed if you remember?

CHEW: I don't recall.

INSP. BONNER: That's all right.

SGT. BURKE: Why don't you describe the shape and size of the Taser. Was it—I've seen Tasers that looks like just little boxes. What did this Taser look like?

CHEW: This one—I didn't get a good look at it but it had that boxy look to it with a short, maybe a short handle and from what I've seen—I haven't seen too many Tasers but maybe on like BART officers I remember they have a short handle or short grip on them.

SGT. BURKE: What kind of shape is it? Is it a shape of a firearm?

CHEW: It was in the shape of a firearm.

SGT. BURKE: What kind of firearm?

CHEW: A handgun, a semiautomatic.

SGT. BURKE: Semiautomatic handgun.

CHEW: Correct.

SGT. BURKE: Okay and what color was it?

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CHEW: I think it was black.

SGT. BURKE: Okay, so it wasn't a real bright yellow Taser like you see some BART officers with or other Departments with?

CHEW: No.

SGT. BURKE: It was a black—had the appearance of a handgun?

CHEW: Correct.

SGT. BURKE: And did you notice anything distinctive about the clothing and or anything that the suspect might have wearing?

CHEW: The red jacket which was the original description and I believe he had black pants on, dark pants on.

SGT. BURKE: Did you see anything else on his waistband?

CHEW: No.

SGT. BURKE: Did you see a holster on the suspect at all?

CHEW: I think—I think I did, I don't really recall, I was just handcuffing him. I was handcuffing him just to make sure the scene was safe.

SGT. BURKE: Okay.

POSADA: I just have a couple questions.

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You mentioned that you handcuffed someone, when you handcuffed them did you search them for any other weapons also?

CHEW: I at the end went to his pockets just to make sure he had no other weapons on him and that's when another officer said here, I've got gloves on just back up, I'll go through him. Because he was bleeding and I had blood on my hands.

POSADA: Okay. Did you find any other weapons or?

CHEW: No, I didn't get a good look at what he had in his pockets.

POSADA: Okay. Do you know if anyone else found any other weapons?

CHEW: I don't know.

POSADA: I have no other questions.

FMSK: I have nothing.

STERN: No thank you. No questions.

SGT. BURKE: One other follow-up. His condition when you went up to handcuff him did you see him breathing, did you see him—

CHEW: It sounded like he was moaning or groaning.

SGT. BURKE: So he was still—you heard

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noise coming out of his—so he was still breathing at that time?

CHEW: Correct, as I was handcuffing him, yeah.

INSP. BONNER: Then was aid rendered at that point? You said you heard—

CHEW: I was told to back off and—because I didn't have the gloves on and that's when everyone else kind of went around and I didn't really get a good look at him.

INSP. BONNER: So you didn't see if any aid was being rendered or nothing.

CHEW: No.

POSADA: No thank you sir.

SGT. BURKE: It's 1:20, we'll close this interview.

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INSP. BONNER: What I'm going to do is kind of start this off slow and kind of walk you through it and then let you tell a narrative and then we'll go back and kind of dissect the narrative just to make sure that all of what you recall, what you recollect is accurate. So just relax. And then everybody here will have an opportunity to ask questions based on the statement that you give so just relax. Today's date is March 22nd, 2014, this is an officer involved shooting, case number 140 240 512. Conner Bonner of the Homicide Detail, star number 1099. Today I have other members here from different bodies. If you can introduce yourself, to my right.

INSP. CAGNEY: Inspector John Cagney, 341, Homicide.

POSADA: I'm Jim Posada, Investigator San Francisco District Attorney's, star 24.

FMSK: [unintelligible] Assistant District Attorney.

STERN: And I'm here representing you, I'm Harry Stern.

INSP. BONNER: And your name sir?

MORSE: Officer Roger Morse.

INSP. BONNER: Your star number?

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MORSE: 1923.

INSP. BONNER: Officer Morse what kind of experience do you have so far?

MORSE: I have a little over eight years patrol.

INSP. BONNER: In patrol. All patrol?

MORSE: No, I did two years—about two years in plainclothes at station level.

INSP. BONNER: Station level. Any special training?

MORSE: ICI course is probably the biggest training, 11550 and some other minor training, Uwara training.

INSP. BONNER: Okay, any firearms training?

MORSE: No.

INSP. BONNER: Not a firearms instructor, no tactical training?

MORSE: No.

INSP. BONNER: Where are you currently assigned right now?

MORSE: Ingleside Station.

INSP. BONNER: Your call sign?

MORSE: Today was 3 Henry 15 David.

INSP. BONNER: And you had a partner with

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you?

MORSE: Yes.

INSP. BONNER: And who was that?

MORSE: That was Officer Nate Chew.

INSP. BONNER: And do you know his star number?

MORSE: No I don't.

INSP. BONNER: Okay. Do you guys regularly work together?

MORSE: No.

INSP. BONNER: This is the first time or—

MORSE: I think I've worked with him maybe one or twice before.

INSP. BONNER: And what sector were you assigned to tonight?

MORSE: The five car.

INSP. BONNER: And uniform of the day for you guys?

MORSE: Just the standard what I'm wearing right here.

INSP. BONNER: Okay. Short sleeves, Class B's?

MORSE: Uh-huh.

INSP. BONNER: Okay. And you were in a marked patrol vehicle?

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MORSE: Yes.

INSP. BONNER: Your duty weapon, what kind of duty weapon?

MORSE: The Sigsaur 40 caliber.

INSP. BONNER: 229, 226?

MORSE: The bigger one, whichever—I never like pay attention to what—

INSP. BONNER: I do the same thing, I do the same thing.

MORSE: Because for a while I had to carry the smaller one for a long time, so.

INSP. BONNER: Yeah, I do the same thing. Before the incident what kind of rest did you get? Did you get a full night's sleep? Were you—

MORSE: Yes.

INSP. BONNER: Did you work some overtime before or just a regular shift?

MORSE: Yeah, just a regular shift and my normal sleeping, I wasn't tired at all.

INSP. BONNER: And what sector were you assigned to now?

MORSE: The five car.

INSP. BONNER: Five car. Are you familiar with that area? That's your regular assignment.

MORSE: Not a regular assignment but just—

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I'm familiar with Ingleside, I've been there six years.

INSP. BONNER: Six years, so you know the geography pretty good, okay. And—

INSP. CAGNEY: What watch?

MORSE: Swing watch.

INSP. BONNER: Okay. Why don't you go ahead and start from the beginning. Was it dispatched call from the initial incident and just tell me basically what your role was and what you remember from the beginning to end.

MORSE: Okay. As I said we were the five car. We were down in the Sunnydale at the time. We were talking with a few people in the housing projects. We were still just driving around the area and a call came out. Me and my partner.

INSP. BONNER: You were driving?

MORSE: I was driving, yeah. Got a call Bernal Heights is a guy with a gun on his hip and he was wearing red. So then we head up to the area, we hit the freeway, just normal movement, driving a little, you know, just—it wasn't Code 3. Once we pulled up around the—nothing really happened, there were just a few calls like where he was walking and you know he's on this side of the hill, whoever was

calling it in saying now he's walking down this side of the hills so we kind of new which side to go to.

INSP. BONNER: Do you remember how many other units were responding?

MORSE: No. I seemed like everybody.

INSP. BONNER: Okay.

MORSE: That was like coming up on the air but I don't know.

INSP. BONNER: Okay.

MORSE: Once we get to the Folsom Street side—I'm familiar with how to get through this little rocky area because there's usually a gate that blocks the road but I know how to get through so once we got through this little area path I drove up on it. We started—well, before we got started, before we got there we heard—I heard Sergeant Sawyer, at least I believe that was him, on the air saying that they see the guy and then nothing.

INSP. BONNER: When they say they see the guy, the guy in question, the suspect.

MORSE: Yeah, the suspect.

INSP. BONNER: Okay.

MORSE: And then so I'm like okay. So as

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I'm going through the rocks we hear shots fired and then my partner is like oh man, they're—you know, shots are being fired, let's go. And then there was at least ten, fifteen officers that started running up the hill because they were on foot because they don't know how to get through the little rocky area. So, we went all—we went past them and as we came upon Sergeant Sawyer and Schiff's vehicle I can see the passenger, I'm not sure who the passenger was ducked down behind the door.

INSP. BONNER: Coming up from the read on the right?

MORSE: Was ducked down behind the door.

INSP. BONNER: Coming up from the rear on the on right.

MORSE: Yeah, we were coming up from behind him on the right side.

INSP. BONNER: Okay, so you guys are parked on the right side and they're on the left side. Are you—are they further in front of you or in back of you?

MORSE: They're a little bit in front of me when I stopped the car. And then in front of them I couldn't tell you the distance but I see the subject who matches the description in the CAD

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proned out with his arms in front of him and he's holding a gun and I just hear popping sounds and I see flashes and his hands are going like this and I look at the passenger who's still ducked down. I can't see who the driver is. I throw it in park, run around, still popping noises, his hands are still going like this and so I don't know exactly what point I drew my firearm but eventually I drew it, drew down on the subject, start firing at him.

INSP. BONNER: Do you remember how many shots?

MORSE: No.

INSP. BONNER: Did you empty your magazine?

MORSE: No.

INSP. BONNER: But you had a number of shots?

MORSE: Yes.

INSP. BONNER: Okay. When you—there's a point there when you said you heard shots as you arrived. Do you remember how many shots you heard before you arrived?

MORSE: No, it was a handful of shots before we came, before we can even see them, like the car and subject.

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INSP. BONNER: Did you start shooting first before—did you start shooting before your partner did or did your partner start shooting first?

MORSE: I'm not sure what he did.

INSP. BONNER: Did you hear him shooting at all?

MORSE: Like I couldn't even hear my own gunshots going off, really.

INSP. BONNER: Did you hear any commands from anybody?

MORSE: The first command that I remember hearing was Sergeant Sawyer saying everybody—you know, stop firing, or let's approach.

INSP. BONNER: Okay so you get there, you see the suspect you believe proned out in front of you and you said you have kind of a hard, it's kind of hard for you to estimate the distance when he's in a prone position?

MORSE: Yeah, it wasn't that far away but you know I couldn't say oh he was ten fee away.

INSP. BONNER: But he wasn't close?

MORSE: No, he wasn't that close.

INSP. BONNER: And in doing that you said you made a gesture with your hands that it looked

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like the gun was raising up when you were hearing this.

MORSE: Like he was—yeah.

INSP. BONNER: Now, did you think he was shooting?

MORSE: Yes.

INSP. BONNER: And when you said you saw a flash did you see flashes coming from his direction?

MORSE: Yes.

INSP. BONNER: Muzzle flash?

MORSE: That's what—yeah.

INSP. BONNER: That's what you thought.

MORSE: That's what I thought it was and I heard popping sounds. I think okay, this guy's shooting.

INSP. BONNER: Okay. And then did you see any other flashes, any other—anything that looked maybe like a laser or anything like that?

MORSE: No.

INSP. BONNER: And believing that he was engaging you in fire you returned fire to protect yourself and anyone who was around you.

MORSE: Yes.

INSP. BONNER: Now, did you stop firing

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only because the Sergeant yelled out cease fire and you then perceived that there was no threat or did you just listen to him and just stop fire? When did you believe that it was safe enough for you as an individual to stop firing on the threat?

MORSE: I just hear him yell stop firing.

INSP. BONNER: Okay. When he says stop firing and you're looking at the guy was the threat—did the threat go, you know, did it—

MORSE: I still thought there was a threat even walking up there.

INSP. BONNER: Okay, well—

MORSE: I was like okay.

INSP. BONNER: Well, okay, well then answer me this, if you felt that there was a threat, the simple logical question, why stop firing?

MORSE: Because Sergeant Sawyer—I don't know if you guys know him—he's just, he's awesome so stop firing and my—I trust him with anything out there so just when I hear his voice and he says something I just am doing it.

INSP. BONNER: So being—it sounds like you have confidence in his leadership so when he barked out stop firing you trusted that he had good

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judgment enough that he wouldn't put you in harm's way by telling you to stop firing.

MORSE: Yes.

INSP. BONNER: Okay. As you approached the suspect and he's proned out was he moving?

MORSE: Yes.

INSP. BONNER: In which way?

MORSE: How do I describe that? It was kind of like a slight rocking motion I guess you can call it.

INSP. BONNER: And did you hear any sounds from him?

MORSE: Gurgling.

INSP. BONNER: Gurgling. Any moaning?

MORSE: No.

INSP. BONNER: Any cries for help?

MORSE: No.

INSP. BONNER: When you guys got close enough to take control who was the first person that approached the—

MORSE: Me.

INSP. BONNER: You did?

MORSE: Yes.

INSP. BONNER: And who assisted you?

MORSE: I think Nate Chew was next to me.

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INSP. BONNER: Okay. Was the suspect handcuffed?

MORSE: Eventually he was. I know somebody—he had the weapon in his hand and then somebody said get the weapon out of his hand so I believe it was my left foot, I kicked the weapon out and it must have went like, you know, a couple feet to the right of me, so his left and then I want to say it was Nate Chew proceeded to put him in handcuffs.

INSP. BONNER: Now, the weapon in question that the suspect had in his hand, do you remember what hand?

MORSE: Both.

INSP. BONNER: I mean when it was kicked away.

MORSE: When it was kicked away, yeah, it was still in both.

INSP. BONNER: Okay. When did you perceive, at what point did you perceive that it was not a real firearm?

MORSE: Right when I got up above him. I would say his head—so his head like when it was like right here above him so I kicked the weapon out of his hand and that's when I could tell what

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it was. It looked like it was a Taser.

INSP. BONNER: Okay. And had you seen Tasers like that before?

MORSE: I've seen Tasers but I'm just not real familiar with them.

INSP. BONNER: But this looked more like a gun to you?

MORSE: Yes.

INSP. BONNER: Can you describe it.

MORSE: It just looked like a black semiauto until I got right up on it, you can see the, what do you call it, those little cross yellow lines on it.

INSP. BONNER: So it was black and there was small yellow lines vertically across the frame of that—

MORSE: Somewhere on it, yeah, yeah.

INSP. BONNER: Was it deployed?

MORSE: I don't know.

INSP. BONNER: You don't remember.

MORSE: Yeah.

INSP. BONNER: Did anybody try to render any aid for him since he was—seemed to be still alive, moaning, making noises, gurgling?

MORSE: I'm not—when Nate started

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handcuffing him I started to walk away. I don't know if he was around him at that point.

INSP. BONNER: So you didn't see anybody around him try to render aid that you can recall?

MORSE: I walked away.

INSP. BONNER: Just for reference for my sake could you draw what you believe the position of the vehicles were and the position of the—

MORSE: [unintelligible]

INSP. BONNER: This is—the best to your recollection.

MORSE: Okay.

INSP. BONNER: Where your vehicle was, where your partner was, where you perceive the Sergeant Sawyer to be, his partner and the suspect.

MORSE: So I'm [unintelligible] vehicle one just because they were first there.

INSP. BONNER: Okay, all right.

MORSE: This would be us.

INSP. BONNER: Do you remember the designator on your vehicle, the number, the actual number that goes—

MORSE: I think we were 0125. So sorry, this door was open, that door was open, so—

INSP. BONNER: And I guess the suspect was

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up in that direction somewhere?

MORSE: About there.

INSP. BONNER: Now is that—that's on an incline.

MORSE: Yes.

INSP. BONNER: Is it steep or shallow?

MORSE: It's medium.

INSP. BONNER: Is there a little curve to it or is it straight up?

MORSE: I think it starts to curve behind where the subject was.

INSP. BONNER: And what's in the background?

MORSE: Trees.

INSP. BONNER: And the road goes up and around?

MORSE: Yeah, eventually yeah.

INSP. BONNER: Okay and then the backside is residences?

MORSE: Yes.

INSP. BONNER: Okay. Now you were on just put your initials where you were—where you think you were.

MORSE: When I'm firing?

INSP. BONNER: Yeah, when you started

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shooting.

MORSE: Okay, so this is the [unintelligible] I was about here. That was about where I was.

INSP. BONNER: And your partner was on the right-hand side?

MORSE: I don't know where he went.

INSP. BONNER: Was his door open or closed if you remember, your partner?

MORSE: Well I know I opened it to get out but I didn't look at our car after I exited.

INSP. BONNER: And then you didn't see anything going on in any vehicle once you had a clear shot?

MORSE: No. The only thing I—like, we rolled up, I just saw whoever the passenger was was ducked down and then I came around this side and somebody was ducked down here.

INSP. BONNER: So basically you say you initially didn't hear any commands, you saw the threat, you engaged the threat and when you—when Sergeant Sawyer gave you the impression that it was safe to stop firing you stopped firing and you don't remember how many shots you—

MORSE: No, no.

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INSP. BONNER: Okay.

INSP. CAGNEY: Just a couple things. Eight years of experience plus two years in the 35 car, eight total right?

MORSE: Still eight total.

INSP. CAGNEY: So I would assume and you know I don't want to speak for you but I would assume you're had your share of critical incidents, armed subjects, pretty tense situations.

MORSE: Yes.

INSP. CAGNEY: So it's not the first time you've encountered an armed individual?

MORSE: No.

INSP. CAGNEY: And you know that's an important question to establish because obvious your experience plays a factor in the decisions that you make in terms of what you did in this particular incident. How would characterize the lighting conditions when you were able to get up to the radio car, basically the encounter with this individual?

MORSE: It was pretty bright out.

INSP. CAGNEY: You could see?

MORSE: Yeah, there was no visual, you know, it wasn't dark or—it was fine, I could see

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clearly, like the sun was still shining.

INSP. CAGNEY: And again, another question just kind of establishes, you know, state of mind. We talked about your experience, you know, and I don't want to again put words in your mouth but is it fair to say when you're running towards the sound of a gunfight you don't know who's shooting, if this guy is shooting or it's the officers returning. I mean, you're hearing shots so you're essentially running to a gunfight, is that your perception of what the situation was?

MORSE: Uh-huh, yes.

INSP. CAGNEY: And then as you said in your statement to Inspector Bonner you thought the suspect was firing, you could see the gun moving and you thought what you saw were muzzle flashes.

MORSE: Yes.

INSP. CAGNEY: And you engaged the suspect to the protection of yourself, your fellow officers, to stop the threat, all of those things?

MORSE: Yes.

INSP. CAGNEY: Basically, huh?

MORSE: Yeah, basically so when we arrived after he—he was just shooting at Sawyer and Schiff and like I say I don't know who was on what side

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but I was like okay, you know, he's shooting these guys. I can't tell if any of them are hurt or what their condition is.

INSP. CAGNEY: So when you get up to the situation you're still in your radio car with your partner Officer Chew and you guys exit the car and the gunfight is still going on.

MORSE: Yes.

INSP. CAGNEY: The shots are still going on, it's one continuous action, is that fair to say?

MORSE: Yes, yes.

INSP. CAGNEY: Did you recognize this guy when you finally got up to him? Had you ever seen him before?

MORSE: No.

INSP. CAGNEY: Anything like that?

MORSE: No, did not look familiar to me.

INSP. CAGNEY: Didn't know anything about him, okay. Can you describe him just briefly, you know, what he was wearing or his—

MORSE: I just remember he was wearing red clothing, he seemed a fairly big guy, heavyset.

INSP. CAGNEY: Did it occur to you—I'm sorry.

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MORSE: No, go ahead.

INSP. CAGNEY: Did it occur to you when you got out of your car to engage this guy that this was the guy that the radio call was about?

MORSE: Yes.

INSP. CAGNEY: I mean, it seemed pretty obvious to you?

MORSE: Yes, yes.

INSP. CAGNEY: Was there any significance— again I have to defer to your counselor here but about the red clothing, was that significant to you at all?

MORSE: For me as a patrol yes, when I hear that I think Norteno which is a street gang. So when that came out I said this is what we're going to deal with.

INSP. CAGNEY: And I only have a couple more. I think Inspector Bonner addressed this but I just want to be sure, did you ever hear the suspect say anything at any point during this confrontation?

MORSE: No.

INSP. CAGNEY: Okay. And last but not least, how long do you think it took from the time that you arrived there and you engaged until the

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time that Sergeant Sawyer told you to stop firing? How long—your specific part of it. Or actually a better question is from the time you heard the shooting initially until the time it was over if you could estimate and if you can't, I'm not going to—

MORSE: Several minutes.

INSP. CAGNEY: The whole thing took seven minutes?

MORSE: No, several.

INSP. CAGNEY: Oh, several minutes, okay. Hard to say. All right, you know what, I think that's it for me. So—

POSADA: I don't have any questions.

INSP. CAGNEY: Counsel?

FMSK: No.

INSP. CAGNEY: Counsel?

STERN: No thank you.

INSP. CAGNEY: Thank you officer.

INSP. BONNER: You can just initial, put your star number on this and that will conclude the interview.

INSP. CAGNEY: Thank you Officer Morse, I appreciate your patience, I know you went to the end of the line.

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MORSE: Oh no, it's fine. I was ready for it.

INSP. CAGNEY: Good work.

MORSE: Thank you.

END OF DOCUMENT

SFDPA - 0179-14 - 001264

CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

IMAGE RECORD FOR:

NIETO ALEJANDRO

[redacted] EXPIRES: 03/04/2016 CLASS: F SEX: M

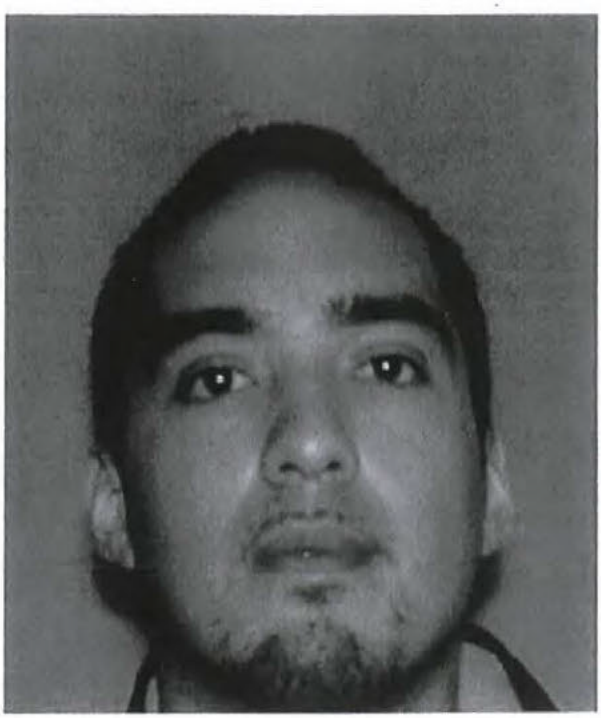
HAIR: BLK EYES: BRN HEIGHT: 600 WEIGHT: 185

DATE OF BIRTH: [redacted]

ADDRESS: [redacted]

PHOTO DATE:	PHOTO OFFICE:	APPLICATION DATE:	APPLICATION OFFICE:
04/22/2011	503	04/22/2011	503

ISSUE DATE:	ISSUE OFFICE:	RESTRICTIONS:
N/A	N/A	



SIGNATURE:

[redacted]

FINGERPRINT:

[redacted]

This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date: _____ /s/ _____

[redacted]

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San Francisco Police Department
Incident Report

INCIDENT

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD
[redacted]	[redacted] 00:00 0310	[redacted] 00:00 0606	[redacted] 00:00 0316	[redacted]

Incident Type
03071 - ROBBERY, ARMED WITH A GUN
26080 - CONSPIRACY
19400 - GANG ACTIVITY

Location of Occurrence	Premise Type
[redacted]	SIDEWALK

Domestic Violence	Reporting Unit
-	3D15E

How Cleared	Elder Victim	Gang Related	Juvenile Subject	Prejudice Based
ARREST BOOKED	-	-	-	-

Reported to Bureau Name	Star
-	-

OFFICER DECLARATION

Reporting Officer Name	Reporting Officer Star #	Reviewing Officer Name	Reviewing Officer Star #
HALLISY	0562	PEDRINI	1204

REPORTING PARTY

Name	DOB	Race	Sex	HT	WT	Hair	Eyes	Phone 1	Address 1	Phone 2	Address 2
[redacted]										-	-
										-	-

SUBJECT

Name	Race	DOB	Sex	HT	WT	Hair	Eyes	Text
[redacted]								

SUBJECT - Additional Info

Name	SFNO	MIS NUM	Dri Lic	SSN	FBI	CII	Phone 1	Warrant	Address 1	Phone 2	Address 2

[redacted]

CASTELLANOS/CESAR S554120 -

[redacted] - [redacted] - - - - - - [redacted] -

[redacted] - 445 CORTLAND - AV

- - [redacted] - - - - [redacted] -

VEHICLE

Lic Number	Lic State	Lic Year	Model	Style	Year	Make	Color
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

1 - 2

PROPERTY

Article	Article Name	Serial Number	Quantity	Value	Brand Name	Model Name	Text
STOLEN	ID CARD	[redacted]	1		CALIFORNIA		[redacted]

IRS - PROPERTY

Property 1	Property 2	Property 3	Property 4	Property 5	Property 6	Property 7
Hand-bag Black, white, and Hot pink colored purse. Contained S2 and S3. Belonging to R/V	U.S. Currency Various denominations amounting to $700.00. Belonging to R/V	Identification Card (DL [redacted] Belonging to R/V	Clippers One black handled hair cutting clippers wrapped in a white bag. Booked at Co. D by #1995	Cold Show Admonitions One booked at Co. D by #1995 (Castellanos). GTF Wells #348 and Jackson #4093 took custody of the second (Nieto).	(B) Nieto's shirt Nieto shirt which had cut hair scattered all over the shoulder area and rest of shirt. Booked at Co. D by #1995.	Photo Disks Images of booked suspects.
Officer Olson's statement Written Statement. Booked at Co. D by #1995	R/V--[redacted] statement Written by #1995 at R/V's request. Booked at Co. D by #1995	(B) Nieto's clothing Booked at Co. D by #1995	(B) [redacted] clothing Booked at Co. D by #1995	Property Receipts SFPD Issued to (B) Nieto and (B) [redacted] for E10, E11, and E13. Booked at Co. D by #1995.	Cell Phones Cell phones seized from Nieto, [redacted] Took custody of phones.	[redacted] statement Booked at Co. D.

1 - 2

IRS - NARRATIVE

Find

INC No.	Narrative
	On [redacted] at 0314hrs Officer Harvey #1995 and I responded to the intersection of [redacted] Ave on a call of a robbery at gun point. After arriving on scene dispatch advised us that the victim was in fact at the intersection of [redacted] we were flagged down by (RV1) [redacted]. [redacted] was shaking with what appeared to be shock and excitedly kept repeating that [redacted] had just been robbed. After a short time [redacted] was able to calm down slightly and relate to me the following story as [redacted] voice caught in [redacted] throat from time to time as [redacted] forced back tears. [redacted] told me that [redacted] was walking S/B on South Van Ness Ave just passing 26TH St on [redacted] way to the gas station located at South Van Ness Ave and Army St clutching [redacted] (S1) purse in [redacted] right arm. [redacted] stated that [redacted] purse contained (S2) US Currency totaling seven hundred dollars and her (S3) ID card. [redacted] stated that [redacted] looked up and saw a man, later identified as (B2) [redacted], walking directly towards [redacted]. [redacted] stated that [redacted] was a Hispanic male in his twenty's with long hair and a distinctive "tear drop" tattoo under his eye. [redacted] stated that [redacted] suddenly grabbed [redacted] by

[redacted] right wrist. At this time [redacted] stated that [redacted] saw a gray Chevy pull up to the sidewalk with the passenger side door already open and a driver, later identified as (B1) [redacted], sitting behind the wheel of the car. [redacted] described the Chevy as a mix between a car and a truck. Based on [redacted] description of the vehicle I identified the suspect (F1) vehicle as a [redacted], [redacted] stated that the vehicle was distinctive because of the beat up quality [redacted] described as the paint job, the front windows were heavily tinted and there was a bright [redacted] ornament on the hood. [redacted] described [redacted] as a Hispanic male with medium height, a skinny build with long loose hair and a goatee. [redacted] stated that [redacted] pointed a gun at [redacted] and yelled "TAKE THAT SHIT, TAKE THAT SHIT!" [redacted] told us that [redacted] was in fear for [redacted] life and believed that what [redacted] thought was a robbery was going to swiftly develop into a shooting or a kidnapping. [redacted] stated that [redacted] then punched [redacted] in the stomach with [redacted] closed right fist and yelled "GIVE ME THAT SHIT BITCH!" and yanked the purse from [redacted] grasp. [redacted] then fled into the waiting and running vehicle which fled [redacted] I broadcast a description of the vehicle, the suspects and the last direction of travel for units in the area searching for the suspects. Officer Harvey gave [redacted] a follow up form with a case number and a victim of violent crime form. [redacted] stated that [redacted] felt a slight pain to [redacted] stomach but refused any medical attention. As Officer Harvey and I were about to offer [redacted] a ride back to [redacted] house I observed that [redacted] was starring intently into the intersection of [redacted]. [redacted] eye's grew larger, [redacted] head jerked back and a slight gasp escaped [redacted] lips as [redacted] raised [redacted] arm and pointed. I turned to look at what had so visibly shocked [redacted] and I observed a gray [redacted] matching the description given to me by [redacted] turning E/B onto [redacted] just mere feet from [redacted]. At that moment I heard [redacted] say "that's the car". Officer Harvey and I immediately jumped into our patrol car in order to detain the vehicle and it's occupants. By the time we were on 26TH St we observed that the vehicle made a turn in the distance N/B onto either what we believed was Folsom St, Harrison St, Treat St or Lucky Alley. We lost the vehicle in the area and responded back to the scene to drive [redacted] around the immediate vicinity. UCSF Officer Vanegas #246 discovered a [redacted] matching the description of the vehicle parked on [redacted]. 3D17D Officer Olson #376 arrived at [redacted] and touched the hood of the vehicle with his bare hand. Officer Olson stated that the vehicle was warm to the touch and he believed that it had recently been driven. Officer Olson and Vanegas secured the vehicle. We responded to the scene with [redacted], who immediately upon viewing the vehicle stated, "yeah that's the car". I observed along with Officer Harvey that this was also the same car we had seen leaving the scene of the crime. We then left the scene in search of the [redacted] and [redacted] who were now possibly on foot in the area. Soon afterwards (B3) [redacted] approached Officer's Olson and Vanegas and stated that the vehicle they were standing next to with their spot lights of their patrol cars shining on was [redacted] friend [redacted] car. [redacted] stated that [redacted] would like to drive the vehicle home because [redacted] had borrowed it from [redacted] at 1700hrs on [redacted]9. [redacted] stated that [redacted] had not seen [redacted] since [redacted] had borrowed the vehicle and that [redacted] was the only person with the keys to the car and had sole possession of the vehicle. [redacted] further stated that [redacted] had parked the vehicle at [redacted] approximately one hour ago. It was now approximately one half hour after we had last seen the vehicle, [redacted] was clearly lying. Officer Olson detained [redacted] and a cold show with [redacted] yielded negative results. 3D13E Officer Castaneda #451 responded to the scene and transported [redacted] to Mission Station. Officer Olson wrote a (E8) statement. Officer Harvey decided to search the connecting backyards along Lucky Alley in case [redacted] and [redacted] were hiding close by. When Officer Harvey reached the intersection of [redacted] he observed [redacted], [redacted] matched the description of the robbery suspect and Officer Harvey detained [redacted]. I read [redacted] the (E5) Cold Show Admonition Form and [redacted] stated that [redacted] understood it and signed it. When [redacted] saw [redacted] [redacted] immediately stated "that's him. I'm one hundred percent sure. That's the guy who robbed me. He punched me in the stomach." 3D200 Sgt. Serujo #1825 and 3D111 Sgt Harrell #918 responded to the scene and transported [redacted] to Mission Station. At this time 3C15E Officer Cowhig # 2084 responded to [redacted], the address where the vehicle was registered to [redacted]. Officer Cowhig knocked on the door and Alejandro Nieto, [redacted] came to the window. Alejandro abruptly stated to Officer Cowhig that he would not allow him inside of the house. Officer Cowhig responded that he was only trying to reach [redacted] because there was an issue with [redacted] vehicle being parked at [redacted]. Alejandro responded that [redacted] was not currently home and was non responsive to any of Officer Cowhig's questions. As we were preparing to tow the vehicle Alejandro Nieto along with his [redacted] arrived at [redacted] asking if they could take control of the vehicle and drive it home. Officer Harvey explained to Alejandro that we would be giving no one custody of the vehicle but would only relinquish control to [redacted]. Officer Harvey stated that a mysterious 911 caller had stated that they were concerned for [redacted] well being and that we had to do a well being check of [redacted]. After about fifteen minutes [redacted] arrived at the scene with (B4) [redacted]. We immediately detained [redacted] and [redacted] for further investigation. [redacted] stated that [redacted] name was [redacted] with a date of birth of [redacted]". Later we discovered that [redacted] was in fact the juvenile [redacted]. Officer Harvey immediately advised [redacted] of [redacted] Miranda Rights which [redacted] stated that [redacted] understood them and waived them. Officer Harvey then attempted to contact [redacted], (P1) [redacted], to no avail. [redacted] possessed no form of identification. [redacted] stated that [redacted] had met up with [redacted] at the intersection of [redacted] after [redacted] called [redacted] on [redacted] cell phone at what [redacted] thought might have been "three thirty". [redacted] stated that [redacted] and [redacted] had then traveled to [redacted] house on [redacted] where [redacted] shaved [redacted] head. [redacted] stated that [redacted] would not tell [redacted] why [redacted] wanted [redacted] to shave [redacted] head at four o'clock in the morning and only that [redacted] stated [redacted] was "going down." [redacted] stated that [redacted] interpreted this as [redacted] was in some trouble with the law. [redacted] further stated to [redacted] "I done something....awww man....I done something stupid." We then observed that [redacted], who Officer Harvey and I both know from prior police contacts, had very short hair. We both know that [redacted] has longer hair as described by [redacted]. The SFPD mug shot photo of [redacted] that has hung in the report writing section of the police station for many months that we are very familiar with is of [redacted] with longer hair. We observed that not only was [redacted] hair cut short, there was massive amounts of hair all over the shoulders of [redacted] (E6) shirt. Upon closer inspection we observed that in places like directly behind the ears the hair was long and very uneven. In fact the entirety of [redacted] scalp was patches of short and semi cut hair. Officer Harvey took multiple images of [redacted] as [redacted] appeared at the scene and stored them on a (E7) photo disk. 3D8D Officer Shavers #1732 read [redacted] the (E5) Cold Show Admonition Form and [redacted] stated that [redacted] understood it and signed it. Upon viewing [redacted] stated that [redacted] recognized [redacted] face but stated that [redacted] hair was not long so [redacted] may not be the second outstanding suspect. 3D38 Officer's Cotter #1364 and Perdomo #1140 responded to the scene and transported [redacted] to Mission Station. Officer Perdomo seized [redacted] shirt. [redacted] directed us to a (U1) vehicle parked in front of [redacted]

[redacted]

[redacted] and stated that [redacted] had driven with [redacted] in it. The vehicle was currently blocking the driveway of the residence. It should be noted that the vehicle is registered to the address where [redacted] lives. Both [redacted] vehicle and the other vehicle were towed to Auto Return with a hold placed on them for GTF. I contacted Operations Center and spoke with Officer Gallagher who stated that Officer's Wells and Jackson of GTF would be responding to Mission Station to assist in the investigation. Officer Harvey and I transported [redacted] to Mission Station. I entered [redacted] into the non secure juvenile detention log and was able to make contact with [redacted] who responded to Mission Station. Officer's Wells and Jackson interviewed [redacted] at Mission Station and took custody of the cold show form completed by Officer Shavers. At Mission Station [redacted] stated that [redacted] lied at the scene about [redacted] name because of her dating relationship with [redacted] because [redacted] is only sixteen. Officer Harvey and I then interviewed [redacted] in the presence of [redacted] again related her story of meeting up with [redacted] and shaving [redacted] head. We read the recent text messages from [redacted]' phone and the outgoing message to [redacted] read to put something under the blankets to "cover" for [redacted]. The text message also state that [redacted] was going to be "locked up" and that [redacted] might also be. [redacted] texted that [redacted] has been "hella crying" and that [redacted] should "pray" for them. [redacted] stated that [redacted] stated "I'm going to cut it so they don't think it's me". When Officer Harvey asked [redacted] who [redacted] meant by "they" [redacted] stated "the police". [redacted] stated that [redacted] knows that [redacted] is a "Norteno" and stated that [redacted] has asked [redacted] to quit. [redacted] stated that [redacted] constantly reassures [redacted] that [redacted] is going to leave the Norteno street gang. [redacted] wrote a (E14) statement at Mission Station. We gave [redacted] a (E12) property receipt for [redacted] (E13) cell phone and Officer's Wells #348 and Jackson #493 took custody of it. Officer Harvey and I seized [redacted] (E10) clothing and took multiple images of [redacted] and stored them on a photo disk. Officer Harvey and I seized [redacted] (E11) clothing and took multiple images of [redacted] and stored them on a photo disk. We provided [redacted] and [redacted] with (E12) property receipts for their clothing. Also seized from [redacted]s was a pair of (E4) clippers. I also took multiple images of [redacted] and stored them on a photo disk. Officer Harvey took custody of all remaining evidence at Mission Station and booked it into evidence. Officer Harvey and I booked [redacted] at Mission Station for the above listed charges with the approval of Lt. Pedrini #1204. A records check of [redacted] revealed that [redacted] is on active parole for robbery and a parole hold was placed on him. 3D15A Officer's Murphy #1716 and Cooper #742 transported [redacted] to YGC where [redacted] was booked for the above listed charges with the approval of Lt. Pedrini. At Mission Station Officer Harvey also took [redacted] (E9) statement verbatim and typed it. [redacted] requested this because [redacted] suffers from dyslexia and finds it hard to write. Officer Harvey read the statement back to [redacted] and [redacted] stated that [redacted] had said everything he typed.

[redacted]

[redacted]

[redacted]

On the listed date and time a contingent of officers from the Gang Task Force and Ingleside Station responded to [redacted] to serve a search warrant. The warrant was authored by Sergeant McDonnell and signed by the honorable Judge Patrick Mahoney of San Francisco Superior Court Department 403. The subject of the warrant

[redacted]

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was [S1] [redacted]. Once there, Sergeant Browne gave knock-notice. We were allowed entry by [D1] [redacted], [D3] [redacted], and [redacted]. [D2] Alejandro Nieto were both inside the premise. They were cooperative and not handcuffed. [redacted] told Officer Gala that [redacted] hadn¿t been home since [redacted] was arrested. We searched the premise and seized no items. Sergeant Browne left a copy of the warrant with [redacted] We did no damage to the premise.

On Thursday [redacted] at 0653hrs I was assigned to the Gang Task Force Unit. I responded to [redacted] to execute a Search Warrant previously granted by the Honorable Judge Patrick Mahoney. I knocked on the front door of the apartment building and (d) [redacted] opened the door. I advised [redacted] I had a Search Warrant for [redacted] residence. I entered apartment #2 with Sgt Yu #2248, Inspector Lau #1476, and Officer Lee #1169. I executed the Search Warrant. In the apartment we contacted the above listed detained individuals. No items were seized during the execution of the search warrant.

Supplemental Records

INCIDENT

No match found.

REPORTING PARTY

Incident Num	Name	DOB	Race	Sex	HT	Eyes	WT	Phone 1	Hair	Address 1	Phone 2	Address 2
090137500B	SFPOLICE/EDA	-	-	-	-	-	-	-	-	-	-	-
090137500C	SFPOLICE/EDA	-	-	-	-	-	-	-	-	-	-	-
090137500D	[redacted]											-

SUBJECT

Name	DOB	Race	Sex	HT	WT	Hair	Eyes	Text
[redacted]								
NIETO/ALEJANDRO	030486	HISPANIC	MALE	-	-	-	-	-
[redacted]								

SUBJECT - Additional Info

Name	Phone 1	Address 1	Phone 2	Address 2	SFNO	Mis Num	DL	SSN	FBI	CII	Warrant
[redacted]			-	-	-	-	-	-	-	-	-
			-	-	-	-	-	-	-	-	-
			-	-	-	-	-	-	-	-	-
			-	-	-	-	-	-	-	-	-
			-	-	-	-	-	-	-	-	-
			-	-	-	-	-	-	-	-	-
NIETO/ALEJANDRO	-	[redacted]	-	-	-	-	-	-	-	-	-

[redacted]

SFDPA - 0179-14 - 001271

[redacted]

PROPERTY

No match found.

VEHICLE

No match found.

DB Instance : CDWPROD

REL 2.0.1

San Francisco Police Department
Incident Report

INCIDENT

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD
[redacted]	[redacted] 00:00 0044		[redacted] 00:00 0044	[redacted]

Incident Type
65016 - DRIVERS LICENSE, SUSPENDED OR REVOKED

Location of Occurrence	Premise Type
[redacted]	-

Domestic Violence	Reporting Unit
-	3H15B

How Cleared	Elder Victim	Gang Related	Juvenile Subject	Prejudice Based
-	-	-	-	-

Reported to Bureau Name	Star
-	-

OFFICER DECLARATION

Reporting Officer Name	Reporting Officer Star #	Reviewing Officer Name	Reviewing Officer Star #
TAM	0138	DANIELE	0093

REPORTING PARTY

No match found.

SUBJECT

Name	Race	DOB	Sex	HT	WT	Hair	Eyes	Text
NIETO/ALEJANDRO	HISPANIC	[redacted]	MALE	5 9 "	200	BLACK	BROWN	08/24/10 0800/ HOJ; VEHICLE: [redacted] TL 4D BLK; LICENSE: [redacted]

SUBJECT - Additional Info

Name	SFNO	MIS NUM	Dri Lic	SSN	FBI	CII	Phone 1	Warrant	Address 1	Phone 2	Address 2
NIETO/ALEJANDRO	-	-	[redacted]	-	-	-	-	-	[redacted]	-	
NIETO/ALEJANDRO	-	-	-	-	-	-	-	09205630	[redacted]	-	

VEHICLE

No match found.

PROPERTY

No match found.

IRS - PROPERTY

No match found.

IRS - NARRATIVE

No match found.

Supplemental Records

INCIDENT

No match found.

REPORTING PARTY

No match found.

SUBJECT

No match found.

SUBJECT - Additional Info

No match found.

PROPERTY

No match found.

VEHICLE

No match found.

DB Instance : CDWPROD

REL 2.0.1

[redacted]

SFDPA - 0179-14 - 001274

San Francisco Police Department
Incident Report

INCIDENT

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD
[redacted]	[redacted] 00:00 1730		[redacted] 00:00 1737	[redacted]

Incident Type
74000 - MISSING ADULT

Location of Occurrence	Premise Type
[redacted]	HOUSE

Domestic Violence	Reporting Unit
-	3H11D

How Cleared	Elder Victim	Gang Related	Juvenile Subject	Prejudice Based
-	-	-	-	-

Reported to Bureau	Name	Star
-		-

OFFICER DECLARATION

Reporting Officer Name	Reporting Officer Star #	Reviewing Officer Name	Reviewing Officer Star #
YUEN	0458	MANNINA	1174

REPORTING PARTY

Name	DOB	Race	Sex	HT	WT	Hair	Eyes	Phone 1	Address 1	Phone 2	Address 2
[redacted]				-	-	-		[redacted]		-	-

SUBJECT

Name	Race	DOB	Sex	HT	WT	Hair	Eyes	Text
NIETO/ALEJANDRO	HISPANIC	[redacted]	MALE	-	-	-	-	HT/5'11, WT/200 LBS, HAIR/BLACK, EYES/BROWN, LSW : BLACK SHIRT, BLACK PANTS WIT WHITE STRIPE

SUBJECT - Additional Info

Name	SFNO	MIS NUM	Dri Lic	SSN	FBI	CII	Phone 1	Warrant	Address 1	Phone 2	Address 2
NIETO/ALEJANDRO	-	-	-	-	-	-	-	-	[redacted]	-	-

[redacted] 3/22/14

VEHICLE

No match found.

PROPERTY

No match found.

IRS - PROPERTY

No match found.

IRS - NARRATIVE

Find

INC No.	Narrative
	On 02/21/2011 at approximately 1737hrs, Ofc Paras #1431 and I (3H11D) responded to [redacted], regarding an unknown complaint. Upon our arrival we met with (R1) [redacted] is Spanish speaking only. Ofc Gonzalez #1876 (3H15D), responded to the scene for translation. [redacted] told Ofc Gonzalez the following: At approximately 1725hrs [redacted], Alejandro (Nieto), was complaining that [redacted] head was hurting severely. Alejandro stated his "head hurt so bad, he felt like he was going to die." [redacted] told Alejandro, [redacted] was going to get him an ambulance and called 9-1-1. Alejandro then told [redacted] that he [redacted] was going out for a walk. [redacted] stated that Alejandro [redacted] [redacted] also stated, Alejandro frequents the outer Mission area and San Francisco City College. [redacted] did not have a picture or x-rays of Alejandro. Along with multiple other units, we searched for Alejandro, however to no avail. I contacted Stocum #116 from the ME, Regina from SFGH ER, and Jardin #1255 from CJ1 all who stated they did not have Alejandro in their custody. I contacted Cansdenda #451 [redacted]

Supplemental Records

INCIDENT

No match found.

REPORTING PARTY

No match found.

SUBJECT

No match found.

SUBJECT - Additional Info

No match found.

PROPERTY

No match found.

VEHICLE

No match found.

DB Instance : CDWPROD

REL 2.0.1

[redacted]

SFDPA - 0179-14 - 001277

San Francisco Police Department
Incident Report

INCIDENT

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD
[redacted]	[redacted] 00:00 0500	[redacted] 00:00 0805	[redacted] 00:00 0815	[redacted]

Incident Type
64020 - AIDED CASE, MENTAL DISTURBED

Location of Occurrence	Premise Type
[redacted]	HOUSE

Domestic Violence	Reporting Unit
-	3H11A

How Cleared	Elder Victim	Gang Related	Juvenile Subject	Prejudice Based
PHYCHOPATHIC CASE	-	-	-	-

Reported to Bureau Name	Star
-	-

OFFICER DECLARATION

Reporting Officer Name	Reporting Officer Star #	Reviewing Officer Name	Reviewing Officer Star #
SANCHEZ	1737	FELEDY	0314

REPORTING PARTY

Name	DOB	Race	Sex	HT	WT	Hair	Eyes	Phone 1	Address 1	Phone 2	Address 2
[redacted]	[redacted]	[redacted]	[redacted]	-	-	-	-	[redacted]	[redacted]	-	
[redacted]	[redacted]			-	-	-	-	[redacted]		-	

SUBJECT

Name	Race	DOB	Sex	HT	WT	Hair	Eyes	Text
NIETO/ALEJANDRO	HISPANIC	[redacted]	FEMALE	6 "	185	BLACK	BROWN	R[redacted]; WH TSHIRT, BLK PANTS

SUBJECT - Additional Info

Name	SFNO	MIS NUM	Dri Lic	SSN	FBI	CII	Phone 1	Warrant	Address 1	Phone 2	Address 2
NIETO/ALEJANDRO	-	-	[redacted]	-	-	-	-	-	[redacted]	-	-

VEHICLE

No match found.

PROPERTY

No match found.

IRS - PROPERTY

No match found.

IRS - NARRATIVE

Find

INC No. **Narrative**

On Monday at 0805hrs Officer Curry#585 and I responded to regarding the who has been unstable. Reportee told dispatch that was not taking his medication. Reportee told dispatch that was setting things on fire. Upon arrival 3H42C Officer Lim was also on scene. I spoke with (R1) and (R2) . They are told me that told me that Alejandro came home early this morning at 5A.M. told me that when Alejandro came home he asked her for cigarette money. told me that she told him no. stated that Alejandro began to pace up and down the hall in the house. told me that he picked up a book and walked into the kitchen. told me that he lit the book on fire and then ran with it to the living room. told me that Alejandro threw the book on the floor while it was on fire. told me that Alejandro threw himself on top of the book trying to light himself on fire. told me that tried to put out the fire. told me that Alejandro kept blocking the fire and then threw the book under the couch. told me that the book was still on fire. told me was afraid the house would catch on fire but managed to put it out with water. told me that Alejandro picked up the remaining ashes from the book and started to eat them. told me that he then picked up more ashes and took them into the kitchen. told me that he mixed the remaining ashes with soap and put them on the ground in the back patio. told me that Alejandro threw the soapy ashes on the ground and the started to eat them off the ground. and told me they were afraid for Alejandro and their safety. They told me that was why they called the police. When we made contact with Alejandro he was shaking and making strange sounds. Alejandro was in the patio near a very high ledge. We were able to detain Alejandro and bring him inside the bedroom where we could safely detain him. While inside the bedroom Alejandro became very aggressive and wanted to fight. Medic #2 was on scene. We were trying to help the medics put Alejandro on the gurney when he insisted on trying to fight. We asked for additional units to assist us because Alejandro kept trying to fight. 3H3A Officer Trujillo#162 and 3H16A Officer Araujo#444 and Officer Pai#4169 responded to the scene. With the additional help we were able to help the medics tie Alejandro on the gurney.

Supplemental Records

INCIDENT

No match found.

REPORTING PARTY

No match found.

SUBJECT

No match found.

SUBJECT - Additional Info

No match found.

PROPERTY

No match found.

VEHICLE

No match found.

DB Instance : CDWPROD

REL 2.0.1

San Francisco Police Department
Incident Report

INCIDENT

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD
[redacted]	[redacted] 00:00 0900		[redacted] 00:00 1027	[redacted]

Incident Type
64020 - AIDED CASE, MENTAL DISTURBED

Location of Occurrence	Premise Type
[redacted]	MISCELLANEOUS BLDG-STORE

Domestic Violence	Reporting Unit
-	3H2A

How Cleared	Elder Victim	Gang Related	Juvenile Subject	Prejudice Based
PHYCHOPATHIC CASE	-	-	-	-

Reported to Bureau Name	Star
-	-

OFFICER DECLARATION

Reporting Officer Name	Reporting Officer Star #	Reviewing Officer Name	Reviewing Officer Star #
PAIJR	4169	VINTERO	0700

REPORTING PARTY

Name	DOB	Race	Sex	HT	WT	Hair	Eyes	Phone 1	Address 1	Phone 2	Address 2
[redacted]											-

SUBJECT

Name	Race	DOB	Sex	HT	WT	Hair	Eyes	Text
NIETO/ALEJANDRO	HISPANIC	[redacted]	MALE	5 6 "	165	BLACK	BROWN	CELL [redacted]

SUBJECT - Additional Info

Name	SFNO	MIS NUM	Dri Lic	SSN	FBI	CII	Phone 1	Warrant	Address 1	Phone 2	Address 2
NIETO/ALEJANDRO	-	-	-	-	-	-	-	-	[redacted]	-	-

VEHICLE

No match found.

PROPERTY

No match found.

IRS - PROPERTY

No match found.

IRS - NARRATIVE

Find

INC No.	Narrative
[redacted]	On [redacted] 3H16A, Officer Naval #2271 and Officer Morrow #1948 responded with me to [redacted] at [redacted] regarding a well being check. The reporting party stated that a person inside the [redacted] was delusional and needed an evaluation. Upon arrival, I observed Officer Naval and Officer Morrow standing outside with (D) Nieto, Alejandro and (R) [redacted] I did not observe any signs of physical injury on Nieto and [redacted] is the [redacted] and Nieto speaks to [redacted] regularly. Nieto stated he was depressed because his relationship ended with his former girlfriend and he was unemployed. He came to the [redacted] because he needed to talk to [redacted] about his personal problems. He was fearful that somebody might attack him. Nieto appeared paranoid and could not maintain eye contact while I interviewed him. He had difficulty answering questions regarding his address, date and time. [redacted] stated that he met Nieto at [redacted]. Nieto spoke to other people in line for no reason and did not make sense while they stood in line. Nieto sat down with [redacted] and mentioned that he was unhappy with his life. [redacted] had a small steak knife in his pocket and mentioned to Nieto that he may want to hurt himself. [redacted] called the police. [redacted]

Supplemental Records

INCIDENT

No match found.

REPORTING PARTY

No match found.

SUBJECT

No match found.

SUBJECT - Additional Info

No match found.

PROPERTY

No match found.

VEHICLE

No match found.

DB Instance : CDWPROD

REL 2.0.1

San Francisco Police Department
Incident Report

INCIDENT

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD
[redacted]	[redacted] 00:00 0220	[redacted] 00:00 0221	[redacted] 00:00 0237	[redacted]

Incident Type
04014 - AGGRAVATED ASSAULT WITH BODILY FORCE

Location of Occurrence	Premise Type
[redacted]	STREET

Domestic Violence	Reporting Unit
-	3C14E

How Cleared	Elder Victim	Gang Related	Juvenile Subject	Prejudice Based
-	-	-	-	-

Reported to Bureau Name	Star
-	-

OFFICER DECLARATION

Reporting Officer Name	Reporting Officer Star #	Reviewing Officer Name	Reviewing Officer Star #
WONG	2330	SCHAFFER	1181

REPORTING PARTY

Name	DOB	Race	Sex	HT	WT	Hair	Eyes	Phone 1	Address 1	Phone 2	Address 2
[redacted]											
ALEJANDRO/NIETO	030486	HISPANIC	MALE	-	-	-	-	[redacted]			-

SUBJECT

Name	Race	DOB	Sex	HT	WT	Hair	Eyes	Text
[redacted]								

SUBJECT - Additional Info

Name	SFNO	MIS NUM	Dri Lic	SSN	FBI	CII	Phone 1	Warrant	Address 1	Phone 2	Address 2

[redacted]

NONAME/EDA -

VEHICLE

No match found.

PROPERTY

No match found.

IRS - PROPERTY

No match found.

IRS - NARRATIVE

No match found.

New IRS Narrative

INCIDENT_NO	NARRATIVE
[redacted]	On 04/07/13 at 0227 hours, I was dispatched to [redacted] located on [redacted] regarding a battery report. Upon arrival I meet with (R/V1) [redacted] who told me the following: [redacted] exited [redacted] with [redacted] friend (R/V2) [redacted] on 04/07/13 at approximately 0220 hours and started walking [redacted] when [redacted] was struck once on the back of [redacted] head from behind. [redacted] fell to the ground and loss consciousness for approximately 1 minute. When [redacted] awoke [redacted] was helping [redacted] to [redacted] feet and [redacted] felt pain to [redacted] head. [redacted] said [redacted] does not know who is responsible for the incident. I observed [redacted] to have a laceration to the back of [redacted] head. [redacted] said [redacted] was not missing any belongings. I met with (R/V2) [redacted] who told me the following: [redacted] exited the club with [redacted] friend [redacted] on 04/07/13 at approximately 0220 hours and started walking [redacted] when [redacted] was struck to [redacted] left eye from behind. [redacted] said [redacted] fell to the ground and observed [redacted] also fall to the ground. [redacted] stated was not missing any belongings and did not lose consciousness. [redacted] does not know who is responsible for the incident and observed (S1) running [redacted] ss the parking lot next to [redacted]. I observed slight swelling to [redacted] left eye. [redacted] refused any medical treatment and said [redacted] will not recognize (S1) if [redacted] were to see [redacted] again. I met with (R1) Nieto who told me the following: He works security at [redacted] and on 04/07/13 at 0220 he stepped outside and observed [redacted] and [redacted] on the ground. Nieto also observed (S1) running [redacted] across the parking lot next to [redacted] Nieto called the police at this point. Nieto stated he may be able to recognize (S1) if he were to see him again. I issued [redacted] and [redacted] Victim of Crime Forms and also SFPD Follow-Up Forms with case numbers regarding the incident. Medic #78 arrived on scene and transported [redacted] to [redacted]. I searched the area for witnesses and (S1) to no avail. I checked the security footage at [redacted] for recordings of the incident to no avail. I spoke with [redacted] of [redacted] who treated [redacted] advised that [redacted] suffered a concussion but there is no internal bleeding and will be released from the hospital soon. I notified Officer Yick #1032 of DOC regarding the incident and was advised that no one will be responding.

1 - 1

Supplemental Records

INCIDENT

No match found.

REPORTING PARTY

No match found.

[redacted]

SUBJECT

No match found.

SUBJECT - Additional Info

No match found.

PROPERTY

No match found.

VEHICLE

No match found.

DB Instance : CDWPROD

REL 2,0.1

[redacted]

SFDPA - 0179-14 - 001286

San Francisco Police Department
Incident Report

INCIDENT

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD
[redacted]	[redacted] 00:00 1630	[redacted] 00:00 1700	[redacted] 00:00 2027	[redacted]

Incident Type
15162 - VIOLATION OF STAY AWAY ORDER

Location of Occurrence	Premise Type
[redacted]	MEDICAL OFFICE

Domestic Violence	Reporting Unit
-	3C00

How Cleared	Elder Victim	Gang Related	Juvenile Subject	Prejudice Based
-	-	-	-	-

Reported to Bureau Name	Star
-	-

OFFICER DECLARATION

Reporting Officer Name	Reporting Officer Star #	Reviewing Officer Name	Reviewing Officer Star #
BUSALACCHI	4763	SKOVER	2115

REPORTING PARTY

Name	DOB	Race	Sex	HT	WT	Hair	Eyes	Phone 1	Address 1	Phone 2	Address 2
NIETO/ALEJANDRO	030486	HISPANIC	MALE	-	-	-	-	[redacted]	-	-	-
[redacted]								-	-	-	-

SUBJECT

Name	Race	DOB	Sex	HT	WT	Hair	Eyes	Text
[redacted]								

SUBJECT - Additional Info

Name	SFNO	MIS NUM	Dri Lic	SSN	FBI	CII	Phone 1	Warrant	Address 1	Phone 2	Address 2
[redacted]	-	-	-	-	-	-	-	-	-	-	-

VEHICLE

No match found.

PROPERTY

No match found.

[redacted]

IRS - PROPERTY

No match found.

IRS - NARRATIVE

No match found.

New IRS Narrative

INCIDENT_NO	NARRATIVE
[redacted]	On [redacted] at 2027 hours, (R/V1) Nieto walked into Bayview Police Station and requested to make a report for (S1) [redacted] violating his (E1) stay away order (case [redacted]). Nieto stated that on [redacted] between 1630-1700 hours, he was supposed to meet (W1) [redacted] at the [redacted] located at [redacted] Nieto stated that when he arrived, he was waiting for [redacted] in the waiting area downstairs. Nieto stated that when [redacted] walked down the stairs, [redacted] walked down the stairs behind [redacted] Nieto stated that [redacted] became aggressive when [redacted] saw him and started to threaten him. Nieto stated that [redacted] told him, "I'm gonna break your jaw" and "You shouldn't be here". Nieto stated that he then told [redacted] that he felt uncomfortable and left the health center. Nieto stated that he tried to call the police after he left the health center but that his phone battery died. I called the ID Bureau and spoke with Linda who confirmed that the stay away order is valid from 03-26-13 to 03-26-23. Nieto had no further information to provide. Before leaving, I provided Nieto with a follow up form, Marsy's card and a victims of crime form. I booked (E1) stay away order into evidence at Bayview Station.

1 - 1

Supplemental Records

INCIDENT

No match found.

REPORTING PARTY

No match found.

SUBJECT

No match found.

SUBJECT - Additional Info

No match found.

PROPERTY

No match found.

VEHICLE

No match found.

DB Instance : CDWPROD

REL 2.0.1

San Francisco Police Department
Incident Report

INCIDENT

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD
[redacted]	[redacted] 00:00 1630	[redacted] 00:00 1700	[redacted] 00:00 2027	[redacted]

Incident Type
15162 - VIOLATION OF STAY AWAY ORDER

Location of Occurrence	Premise Type
[redacted]	MEDICAL OFFICE

Domestic Violence	Reporting Unit
-	3C00

How Cleared	Elder Victim	Gang Related	Juvenile Subject	Prejudice Based
-	-	-	-	-

Reported to Bureau	Name	Star
-		-

OFFICER DECLARATION

Reporting Officer Name	Reporting Officer Star #	Reviewing Officer Name	Reviewing Officer Star #
BUSALACCHI	4763	SKOVER	2115

REPORTING PARTY

Name	DOB	Race	Sex	HT	WT	Hair	Eyes	Phone 1	Address 1	Phone 2	Address 2
NIETO/ALEJANDRO	030486	HISPANIC	MALE	-	-	-	-	[redacted]			-
[redacted]				-	-	-	-	-	-	-	-

SUBJECT

Name	Race	DOB	Sex	HT	WT	Hair	Eyes	Text
[redacted]								

SUBJECT - Additional Info

Name	SFNO	MIS NUM	Dri Lic	SSN	FBI	CII	Phone 1	Warrant	Address 1	Phone 2	Address 2
[redacted]	-	-	-	-	-	-	-	-	-	-	-

VEHICLE

No match found.

DURUGTE

PROPERTY

No match found.

[redacted]

IRS - PROPERTY

No match found.

IRS - NARRATIVE

No match found.

New IRS Narrative

INCIDENT_NO	NARRATIVE
130777177	On [redacted] at 2027 hours, (R/V1) Nieto walked into Bayview Police Station and requested to make a report for (S1) [redacted] violating [redacted] (E1) stay away order (case # [redacted]). Nieto stated that on [redacted] between 1630-1700 hours, he was supposed to meet (W1) [redacted] at the Mission Neighborhood Health Center located at 1647 Valencia Street. Nieto stated that when he arrived, he was waiting for [redacted] in the waiting area downstairs. Nieto stated that when [redacted] walked down the stairs, [redacted] walked down the stairs behind [redacted]. Nieto stated that [redacted] became aggressive when [redacted] saw him and started to threaten him. Nieto stated that [redacted] told him, "I'm gonna break your jaw" and "You shouldn't be here". Nieto stated that he then told [redacted] that he felt uncomfortable and left the health center. Nieto stated that he tried to call the police after he left the health center but that his phone battery died. I called the ID Bureau and spoke with Linda who confirmed that the stay away order is valid from 03-26-13 to 03-26-23. Nieto had no further information to provide. Before leaving, I provided Nieto with a follow up form, Marsy's card and a victims of crime form. I booked (E1) stay away order into evidence at Bayview Station.

1 - 1

Supplemental Records

INCIDENT

No match found.

REPORTING PARTY

No match found.

SUBJECT

No match found.

SUBJECT - Additional Info

No match found.

PROPERTY

No match found.

VEHICLE

No match found.

DB Instance : CDWPROD

DUPLICATE

REL 2.0.1

SFDPA - 0179-14 - 001290

San Francisco Police Department
INCIDENT REPORT

Report Type: **Initial**

[redacted]

INCIDENT

Incident Number	Occurrence From Date / Time	Occurrence To Date / Time	Reported Date / Time	CAD Number
[redacted]	[redacted] 11:45		[redacted] 11:52	[redacted]

Type of Incident: STALKING 15201 DOMESTIC VIOLENCE (SECONDARY ONLY) 15200

Location of Occurrence:	At Intersection with/Premise Type	District
[redacted]	[redacted]	[redacted]

Confidential Report?	Arrest Made?	Suspect Known?	Suspect Unknown?	Non-Suspect Incident?	Domestic Violence?	(Type of Weapon Used)	Reporting Unit
☐	☐	☑	☐	☐	☐		3H2A

Location Sent / On View:	At Intersection with	Reporting District
[redacted]	[redacted]	[redacted]

How Cleared?	Reported to Bureau	Name	Star	Date/ Time	Elder Victim	Gang Related?	Juvenile Subject?	Prejudice Based?
	SVUDV	Sarkissian, Hratch S	1654	03/04/2013 12:30	☐	☐	☐	☐

OFFICER DECLARATION

I declare under penalty of perjury, this report of _4_ pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.
PROP 115 CERTIFIED 5 Year/Post

Reporting Officer	Star	Station	Watch
MORGANTE, RICHARD V	1161	Ingleside Station	0600-1600
Reviewing Officer	Star	Station	Watch
KARP, RACHEL A	0	Ingleside Station	0530-1530
OIC	Star	Station	Watch
RISKIN, SETH J	1915	Ingleside Station	1500-0100

Related Case	Related Case	Re-assigned to	Assigned to 5W200A	Assigned by
--	--	Copies to 5W200A	Add'l Copies CO H, DALY CITY POLICE DEPT	RM 1161

R/VICTIM 1

Code	Name (Last, First Middle)	Alias	Email
R/V 1	[redacted]		NO E-MAIL

Day Phone	Type	Home Address	City	State	Zip Code
[redacted]	Cell	[redacted]	[redacted]	[redacted]	[redacted]
Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted]	☐		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Confidential Person	Violent Crime Notification	293 PC Notification	Star	Follow-up Form	Statement	Relationship to Subject
☐	☑	☐	1161	YES ☑	YES ☑	[redacted]

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
	NONE	[redacted] SPEAKER ONLY

R/WITNESS 1

Code	Name (Last, First Middle)	Alias	Email
R/W 1	NIETO, ALEJANDRO		[redacted]

Day Phone	Type	Home Address	City	State	Zip Code
[redacted]	Cell	[redacted]	[redacted]	[redacted]	[redacted]
Night Phone	Type	Work Address	City	State	Zip Code
		[redacted]	[redacted]	[redacted]	-

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted]	☐		H	M	6'0	185	BLK	BRO	DL CA [redacted]

Confidential Person	Violent Crime Notification	293 PC Notification	Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐		YES ☑	YES ☑	OTHER (NARRATIVE)

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
	NONE	

[redacted]

SFDPA - 0179-14 - 001291

San Francisco Police Department
INCIDENT REPORT

Report Type: **Initial**

[redacted]

SUSPECT 1

Code	Name (Last, First Middle)	Alias	Email
S 1	[redacted]		

Day Phone	Type	Home Address	City	State	Zip Code
		[redacted]	[redacted]	[redacted]	[redacted]

Night Phone	Type	Work Address	City	State	Zip Code

DOB Unknown ☐	Date of Birth	Age	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color
	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

SFNO	J/D# (if Juvi)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
		[redacted]		

Booking Charge(s)	Booking Location

Warrant #	Court#	Action#	Dept#	Enroute to

Warrant Violation(s)	Bail ($)

Citation#	Violation(s)	Appear Date/time	Location of Appearance

☐ CA Form Booked Copy Attached	Mirandized: Star ☐	Date Time	CWB Check Star

Book/Cite Approval Star	Mass Arrest Code	M X-Rays ☐	School (if Juvenile)	Statement ☐

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos

PROPERTY E 1

Code/No	Item Description	Brand	Model
EVD 1	WRITTEN STATEMENT	S.F.P.D.	377 G

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
					1	

Seized by (Star)	From Where
1161	(RW) ALEJANDRO NIETO

Additional Description/Identifying Numbers
TWO PAGE WRITTEN STATEMENT BY (RW) ALEJANDRO NIETO

VEHICLE INFORMATION

VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; R – RECOVERED; S – STOLEN; S/R – STOLEN/RECOVERED; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED

Code	Plate No.	State	Reg Yr	Plate Type	VIN No.
F 1					

Veh Year	Make	Model
	Toyota	

Style	Color	Plates/VIN Match?	Plates Missing?
	Green, Light	☐	FRONT ☐ REAR ☐

Condition (Check all that apply)	Damage	Point of Entry
APPARENTLY DRIVABLE? ☑ BURNED? ☐ DAMAGE? ☐ STRIPPED? ☐		

Crime Scene Tech. Notified? ☐	387 Form Given to Owner? ☐	Tow Approved By (Name) Star	Towed to (Name/Address)	Tow Check (Name) Star

Hold For	Other Information

OWNER

Registered Owner Business Name/Last Name (R/O)	First Name	Residence Phone
UNKNOWN	N/A	

Residence Address	City	State	Zip	Business Phone

[redacted]

San Francisco Police Department

Report Type: **Initial** **INCIDENT REPORT**

[redacted]

VEHICLE INFORMATION

VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; R – RECOVERED; S – STOLEN; S/R – STOLEN/RECOVERED; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED

Code	Plate No.	State	Reg Yr	Plate Type	VIN No.
U 1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Veh Year	Make	Model
[redacted]	[redacted]	

Style	Color	Plates/VIN Match?	Plates Missing?
[redacted]	[redacted]	☑	FRONT ☐ REAR ☐

Condition (Check all that apply)	Damage	Point of Entry
APPARENTLY DRIVABLE? ☑ BURNED? ☐ DAMAGE? ☐ STRIPPED? ☐	NONE	PASSENGER DOOR

Crime Scene Tech. Notified?	387 Form Given to Owner?	Tow Approved By (Name) Star	Towed to (Name/Address)	Tow Check (Name) Star
☐	☐			

Hold For	Other Information

OWNER

Registered Owner Business Name/Last Name (R/O)	First Name	Residence Phone
[redacted]	N/A	[redacted]

Residence Address	City	State	Zip	Business Phone
[redacted]	[redacted]	[redacted]	[redacted]	

NARRATIVE

On [redacted], at 1145 hrs, (RV) [redacted] and (RW) Alejandro Nieto drove to Ingleside Station to report an incident that had just happened with (RV) [redacted] (S) [redacted] a. (RV) [redacted] speaks Spanish only. (RW) Nieto speaks English and Spanish. 3H5A, Officer Havin Muro #946, acted as interpreter. (RV) [redacted] said that [redacted] has known (S) [redacted] for seven years. T[redacted] This morning at approx 1130 hrs (RV) [redacted] was a passenger in [redacted] (U) [redacted] with (RW) Nieto driving. They were in the [redacted] when they were approached by (S) [redacted] who, with [redacted] fists, pounded on the passenger door and window, where (RV) [redacted] was sitting, yelling in English and Spanish, "Get out bitch," "Open the door," and at one point, "I'm gonna fuck you up." Although never physically hurt, (RV) [redacted] was terrified. (RW) Nieto, seeing the potential danger to (RV) [redacted], drove out of the parking lot toward Ingleside Station with (S) [redacted] following in a [redacted] that was being driven by another man that (RW) Nieto did not see. (RW) Nieto said that as he drove, at every stop light, (S) [redacted] would get out of the (F) Toyota he was a passenger in and approach (RV) [redacted]'s ([redacted] and pound on the passenger door and window, yelling at (RV) [redacted]. This occurred approx three times..

(S) [redacted] left the area at [redacted], approx 4 block before (RV) [redacted] and (RW) Nieto got to Ingleside Station. I examined the window and door of (RV) [redacted]'s [redacted] and did not notice any new damage. (RW) Nieto wrote a (E) two page statement that I booked as evidence at Ingleside Station. (RV) [redacted] said that there have been prior undocumented instances of domestic violence that occurred in Daly City in which (S) [redacted] has hit, pushed, choked, and pulled (RV) [redacted]'s hair and left bruises.

VU Sgt Sarkissian #1654 was notified. Judicial Duty Officer Abby Abinanti granted (RV) [redacted] an Emergency Protective Order that will remain in effect until Monday, March 11, 2013. I instructed (RV) [redacted] to go to the Daly City Police Department and advise them that [redacted] had been issued an EPO. I also told [redacted] that [redacted] could go to 400 McAlister St in San Francisco or to San Mateo County to obtain a restraining order.

I gave (RV) [redacted] and (RW) Nieto a case number and I also gave (RV) [redacted] a copy of the EPO, domestic violence information, and a violent crime notification.

Both (RV) [redacted] and (RW) Nieto said that (S) [redacted] does not own firearms but keeps a large kitchen knife on his person.

San Francisco Police Department
INCIDENT REPORT

Report Type: Initial

[redacted]

INCIDENT

Incident Number	Occurrence From Date / Time	Occurrence To Date / Time	Reported Date / Time	CAD Number
[redacted]				

Type of incident: INVESTIGATIVE DETENTION 64085

Location of Occurrence:	At Intersection with/Premise Type	District
[redacted]	[redacted]	[redacted]

Confidential Report?	Arrest Made?	Suspect Known?	Suspect Unknown?	Non-Suspect Incident?	Domestic Violence?	(Type of Weapon Used)	Reporting Unit
☐	☐	☑	☐	☐	☐		3C13E

Location Sent / On View:	At Intersection with	Reporting District
[redacted]		[redacted]

How Cleared?	Reported to Bureau	Name	Star	Date/ Time	Elder Victim	Gang Related?	Juvenile Subject?	Prejudice Based?
					☐	☐	☐	☐

OFFICER DECLARATION

I declare under penalty of perjury, this report of _3_ pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.

PROP 115 CERTIFIED Post Training

	Star	Station	Watch
Reporting Officer: ELLISON, JAMEL R	4329	Bayview Station	2100-0700
Reviewing Officer: CRUZ, RAYMOND H	1668	Bayview Station	2100-0700
OIC: CRUZ, RAYMOND H	1668	Bayview Station	2100-0700

[redacted]

Related Case	Related Case	Re-assigned to	Assigned to 3*300	Assigned by
--	--	Copies to 3*300	Add'l Copies	JE 4329

REPORTEE 1

Code	Name (Last, First Middle)	Alias	Email
R 1	NIETO, ALEJANDRO		

Day Phone	Type	Home Address	City	State	Zip Code
[redacted]	Work	[redacted]	[redacted]	[redacted]	[redacted]

Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted]	☐		H	M	5'10	185	BLD	BRO	DL CA [redacted]

Confidential Person	Violent Crime Notification	293 PC Notification	Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐		YES ☐	YES ☐	

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

SFDPA - 0179-14 - 001295

San Francisco Police Department
INCIDENT REPORT

Report Type: Initial

[redacted]

DETAINED

Code	Name (Last, First Middle)	Alias	Email
D-1	[redacted]		

Day Phone	Type	Home Address	City	State	Zip Code
		[redacted]	[redacted]	[redacted]	[redacted]

Night Phone	Type	Work Address	City	State	Zip Code

DOB Unknown ☐	Date of Birth	Age	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color
	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

SFNO	J/D# (if Juvi)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number

Booking Charge(s)	Booking Location

Warrant #	Court#	Action#	Dept#	Enroute to

Warrant Violation(s)	Bail ($)

Citation#	Violation(s)	Appear Date/time	Location of Appearance

☐ CA Form Booked Copy Attached	Mirandized: Star ☐	Date Time	CWB Check Star

Book/Cite Approval Star	Mass Arrest Code	M X-Rays ☐	School (if Juvenile)	Statement ☐

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos
SUBJECT WEARING SF GIANTS HAT, BLACK SHIRT, BLACK SF GIANTS JACKET, BLUE JEANS, AND BLACK SHOES

PROPERTY E 1

Code/No	Item Description	Brand	Model
EVD 1	SFPD 849(B)		

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
					1	

Seized by (Star)	From Where

Additional Description/Identifying Numbers

PROPERTY E 2

Code/No	Item Description	Brand	Model
EVD 2	PROPERTY RECEIPT		

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
					1	

Seized by (Star)	From Where

Additional Description/Identifying Numbers

PROPERTY P 1

Code/No	Item Description	Brand	Model
PFS 1	POCKET KNIFE		

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
			BRO		1	

Seized by (Star)	From Where
4329	BOTTOM OF LEFT FOOT

Additional Description/Identifying Numbers
3 INCH BLADE, BROWN HANDLE, WHITE BLADE

[redacted]

NARRATIVE

On [redacted] at 2238 FTO Salcedo #770 and I on-viewed a citizen waving us down with a flashlight in front of [redacted] We were in full police uniform, driving a marked police vehicle, with a unit identifier of 3C13E.

FTO Salcedo and I approached the subject (later identified as (R1) Alejandro Nieto) who was wearing a vest that was marked "Security" on the front. Nieto pointed to a subject (later identified as D1/[redacted]) on the sidewalk approximately five feet north from the the bar's front entrance.
Nieto said [redacted] was "Drunk" and refusing to leave the area.

[redacted] was leaning on a parking meter, had bloodshot watery eyes and it appeared [redacted] needed the meter to keep [redacted] balance. I immediately smelled the strong odor of an alcoholic beverage(s) upon [redacted] breath and/or person and asked [redacted] name. [redacted] started to speak, however [redacted] words were very slurred and I was unable to understand what [redacted] was saying. [redacted] almost lost [redacted] balance several times while I was speaking with [redacted].

Based on [redacted] displaying the above objective symptoms of intoxication, I determined [redacted] was unable to care for [redacted] safety or the safety of others. I arrested [redacted] for public intoxication with the approval of Sergeant Cruz (#1668). I physically and visually checked the handcuffs for the proper degree of tightness prior to double-locking them. I transported [redacted] to [redacted] station for booking.

During the booking search, I located a (PS/1) knife (see property page for description) inside [redacted] left shoe underneath [redacted] foot. I saw [redacted] had an approximate 2-3" laceration to [redacted] sole area that was caused by the open blade. I saw what appeared to be blood on [redacted] foot, shoe and the holding bench floor area .I immediately called for a medic to treat [redacted]

Medic 75 arrived and treated [redacted]'s by bandaging [redacted] foot and transporting [redacted] to SFGH. Due to [redacted] injuries I issued [redacted] a (E1) certificate of release and gave [redacted] the original copy. Based on [redacted] level of intoxication and the fact [redacted] previously injured [redacted] by possessing the knife, I seized it for safekeeping and provided [redacted] with a (E2) property receipt which [redacted] refused to sign. I booked all forms and the knife into evidence at the company.

San Francisco Police Department
INCIDENT REPORT

Report Type: **Initial**

[redacted]

INCIDENT

Incident Number	Occurrence From Date / Time	Occurrence To Date / Time	Reported Date / Time	CAD Number
[redacted]	[redacted]		[redacted]	[redacted]

Type of Incident
ASSAULT, AGGRAVATED, W/ OTHER WEAPON 04013 TERRORIST THREATS 19057

Location of Occurrence:	At Intersection with/Premise Type	District
[redacted]	[redacted]	[redacted]

Confidential Report? ☐	Arrest Made? ☐	Suspect Known? ☑	Suspect Unknown? ☐	Non-Suspect Incident? ☐	Domestic Violence? ☐	(Type of Weapon Used)	Reporting Unit
							3D00

Location Sent / On View:	At Intersection with	Reporting District
[redacted]		[redacted]

How Cleared?	Reported to Bureau	Name	Star	Date/ Time	Elder Victim ☐	Gang Related? ☐	Juvenile Subject? ☐	Prejudice Based? ☐

OFFICER DECLARATION

I declare under penalty of perjury, this report of _3_ pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.
PROP 115 CERTIFIED Post Training

Reporting Officer	Star	Station	Watch	Date
(PSA) MAYE, ANDREEA A	4771	Mission Station	1400-0000	[redacted]
Reviewing Officer	Star	Station	Watch	[redacted]
SHEEHAN, JOHN P	550	Mission Station	1500-0100	
OIC	Star	Station	Watch	
SHEEHAN, JOHN P	550	Mission Station	1500-0100	

Related Case	Related Case	Re-assigned to	Assigned to 3H300	Assigned by
--	--	Copies to 3H300 3*300 3*300	Add'l Copies	AM 4771

VICTIM / 1

Code	Name (Last, First Middle)	Alias	Email
R/V 1	[redacted]		[redacted]

Day Phone	Type	Home Address	City	State	Zip Code
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted]			[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Confidential Person ☐	Violent Crime Notification ☑	293 PC Notification ☐	Star	Follow-up Form YES ☑	Statement YES ☑	Relationship to Subject
			4771			STRANGER/NONE

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

[redacted]

San Francisco Police Department

Report Type: **Initial**

INCIDENT REPORT

[redacted]

SUSPECT 1

Code	Name (Last, First Middle)	Alias	Email
S 1	NIETO, ALEJANDRO		

Day Phone	Type	Home Address	City	State	Zip Code

Night Phone	Type	Work Address	City	State	Zip Code

DOB Unknown ☐	Date of Birth	Age	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color
			[redacted]	H	M				

SFNO	J/D# (if Juvi)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number

Booking Charge(s)	Booking Location

Warrant #	Court#	Action#	Dept#	Enroute to

Warrant Violation(s)	Bail ($)

Citation#	Violation(s)	Appear Date/time	Location of Appearance

☐ CA Form Booked Copy Attached	Mirandized: Star ☐	Date Time	CWB Check Star

Book/Cite Approval Star	Mass Arrest Code	M X-Rays ☐	School (if Juvenile)	Statement ☐

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos

PROPERTY E 1

Code/No	Item Description	Brand	Model
EVD 1	STATEMENT		

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
					4	

Seized by (Star)	From Where

Additional Description/Identifying Numbers

PROPERTY E 2

Code/No	Item Description	Brand	Model
EVD 2	PHOTOGRAPHS		

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
					5	

Seized by (Star)	From Where

Additional Description/Identifying Numbers

SFDPA - 0179-14 - 001299

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

NARRATIVE

On [redacted] I was assigned to Mission Station as a PSA.

At 2135hrs (R/V1) [redacted] approached the counter to report that [redacted] had been assaulted by (S1) Alejandro Nieto. [redacted] stated that on [redacted] at 1515hrs [redacted] was parked in front of [redacted] in San Francisco. [redacted] stated that [redacted] and [redacted] were in the car. [redacted] stated that [redacted] noticed Nieto was parked approximately two cars ahead of [redacted] and was sitting in the passanger's seat of the car [redacted] was in.

[redacted] stated that [redacted] and Nieto were formerly friends have had ongoing issues from incidents in the past.

[redacted] stated that [redacted] was putting [redacted] into the back seat of the car when Nieto shouted at [redacted] "get the fuck out," and "fuck you." [redacted] stated that Nieto then got out of the car and was holding a black bag in his hand. [redacted] stated that [redacted] told Nieto "I have no problems with you, I'm just getting [redacted]." [redacted] stated that Nieto took a few steps backward and pulled a stun gun out of the bag he was carrying. [redacted] stated that [redacted] turned [redacted] back to Nieto to speak to [redacted] who was still sitting inside of the car.

[redacted] stated that while [redacted] back was turned Nieto fired the stun gun, hitting [redacted] in the back and on the back of [redacted] legs. [redacted] stated that [redacted] pulled the darts from the stun gun off of [redacted]. [redacted] stated that Nieto fired the stun gun a second time, hitting [redacted] in the shoulder, forearms and arms. [redacted] stated that [redacted] pulled the darts off of [redacted] again. [redacted] stated that [redacted] was in a lot of pain and was bleeding from the areas where the darts hit [redacted] body.

[redacted] stated that [redacted] was afraid and quickly got into the car with [redacted]. [redacted] stated that Nieto was hitting [redacted] and kicking the car doors and shouting "get out of the car." "I'm gonna get you." [redacted] stated that [redacted] drove off. [redacted] stated that [redacted] did not seek medical attention for [redacted] injuries from this incident and [redacted] was not in need of medical attention at the time of this report.

[redacted] stated that on 03/13/2013 [redacted] noticed the same white car that Nieto was in in the Mission district. [redacted] stated that [redacted] fears Nieto is following [redacted]

[redacted] wrote a statement detailing [redacted] recollection of the incident. I booked the statement as (E1) evidence. [redacted] sent me photographs of [redacted] injuries from the stun gun via email. I booked the photographs as (E2) evidence.

I gave [redacted] a victim's of crimes form, marsy's card and a follow up form with a case number.

San Francisco Police Department
Incident Report

INCIDENT

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD
[redacted]	[redacted] 00:00 1530		[redacted] 00:00 1800	[redacted]

Incident Type
15161 - VIOLATION OF RESTRAINING ORDER
19057 - THREATS AGAINST LIFE

Location of Occurrence	Premise Type
[redacted]	[redacted]

Domestic Violence	Reporting Unit
-	3H00

How Cleared	Elder Victim	Gang Related	Juvenile Subject	Prejudice Based
-	-	-	-	-

Reported to Bureau Name	Star
-	-

OFFICER DECLARATION

Reporting Officer Name	Reporting Officer Star #	Reviewing Officer Name	Reviewing Officer Star #
FLYNN	4717	RISKIN	1915

REPORTING PARTY

Name	DOB	Race	Sex	HT	WT	Hair	Eyes	Phone 1	Address 1	Phone 2	Address 2
NIETO/ALEJANDRO	030486	HISPANIC	MALE	-	-	-	-	[redacted]			-

SUBJECT

Name	Race	DOB	Sex	HT	WT	Hair	Eyes	Text
[redacted]								-

SUBJECT - Additional Info

Name	SFNO	MIS NUM	Dri Lic	SSN	FBI	CII	Phone 1	Warrant	Address 1	Phone 2	Address 2
[redacted]		-	-	-	-	-	-	-	-	-	-

VEHICLE

No match found.

PROPERTY

No match found.

IRS - PROPERTY

No match found.

IRS - NARRATIVE

No match found.

New IRS Narrative

INCIDENT_NO	NARRATIVE
[redacted]	On [redacted] at 1630 hours (R/V) Nieto came in to Ingleside Station to report threats and a restraining order violation. Nieto provided a (E1) written statement that said on today's date at 1530 hours he parked his vehicle near [redacted]. He said he was on his way to see his [redacted], was walking towards Nieto when (S) [redacted] began walking towards him. Nieto and [redacted] have an (E2) active restraining order against [redacted] (case [redacted]. As [redacted] approached Nieto, [redacted] said to Nieto "Stay the fuck away from my [redacted]." Nieto said he had a tazer gun with him. Nieto advised [redacted] that there was a restraining order in place and [redacted] then took up a "boxing" stance. Nieto said he feared for his life and shot [redacted] with the tazer but [redacted] ripped and broke the wires. [redacted] then said "Your stupid tazer is not going to do shit to me motherfucker." Nieto called 911 from his cell phone but the line disconnected. Nieto said his vehicle was about 50 feet behind him and he backed towards his car and reloaded the tazer. [redacted] charged at Nieto and Nieto then accidently "tazed" himself. Nieto reloaded the tazer and shot [redacted], [redacted] then said "Alejandro, watch I'm going to fuck you up." [redacted] then got into a small blue/green car and fled in an unknown direction. Nieto tried to call 911 a second time but said that his cell phone battery had died. When asked, Nieto said he did not know if [redacted] had witnessed the incident. I booked the statement and a copy of the restraining order at Ingleside Station. I gave Nieto a Follow-up Form and explained the procedure on how to obtain a copy of this report.

1 - 1

Supplemental Records

INCIDENT

No match found.

REPORTING PARTY

No match found.

SUBJECT

No match found.

SUBJECT - Additional Info

No match found.

PROPERTY

No match found.

VEHICLE

No match found.

DB Instance : CDWPROD

REL 2.0.1

San Francisco Police Department
INCIDENT REPORT

Report Type: **Initial**

[redacted]

INCIDENT

Incident Number	Occurrence From Date / Time	Occurrence To Date / Time	Reported Date / Time	CAD Number
[redacted]	[redacted]		[redacted]	[redacted]

Type of Incident
TERRORIST THREATS 19057 VIOLATION OF RESTRAINING ORDER 15161

Location of Occurrence:	At Intersection with/Premise Type	District
[redacted]	[redacted]	[redacted]

Confidential Report?	Arrest Made?	Suspect Known?	Suspect Unknown?	Non-Suspect Incident?	Domestic Violence?	(Type of Weapon Used)	Reporting Unit
☐	☐	☑	☐	☐	☐		3H00

Location Sent / On View:	At Intersection with	Reporting District
[redacted]		[redacted]

How Cleared?	Reported to Bureau Name	Star	Date/ Time	Elder Victim ☐	Gang Related? ☐	Juvenile Subject? ☐	Prejudice Based? ☐

OFFICER DECLARATION

I declare under penalty of perjury, this report of _3_ pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.
PROP 115 CERTIFIED Post Training

Reporting Officer	Star	Station	Watch	Date
(PSA) FLYNN, JOHN J	4717	Ingleside Station	1500-0100	[redacted]
Reviewing Officer	Star	Station	Watch	Date
CHAN, LAWRENCE T	1484	Ingleside Station	1500-0100	[redacted]
OIC	Star	Station	Watch	Date
RISKIN, SETH J	1915	Ingleside Station	1500-0100	[redacted]

Related Case	Related Case	Re-assigned to	Assigned to 3H300	Assigned by
--	--	Copies to 3H300 3*300 3*300	Add'l Copies	JF 4717

VICTIM 1

Code	Name (Last, First Middle)	Alias	Email
R/V 1	NIETO, ALEJANDRO		No email address

Day Phone	Type	Home Address	City	State	Zip Code
[redacted]	Cell	[redacted]	[redacted]	[redacted]	[redacted]
Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted] / 28	☐		H	M					

Confidential Person	Violent Crime Notification	293 PC Notification Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐	YES ☑	YES ☑	KNOWN

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

[redacted]

SFDPA - 0179-14 - 001304

San Francisco Police Department

Report Type: **Initial** **INCIDENT REPORT**

[redacted]

SUSPECT

Code	Name (Last, First Middle)	Alias	Email
S 1	[redacted]		No email address

Day Phone	Type	Home Address	City	State	Zip Code
(000) 000-0000	Unknown				

Night Phone	Type	Work Address	City	State	Zip Code
(000) 000-0000	Unknown				

DOB	Date of Birth	Age	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color
Unknown ☑	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

SFNO	J/D# (if Juvi)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number

Booking Charge(s)	Booking Location

Warrant #	Court#	Action#	Dept#	Enroute to

Warrant Violation(s)	Bail ($)

Citation#	Violation(s)	Appear Date/time	Location of Appearance

☐ CA Form Booked Copy Attached	Mirandized: Star ☐	Date Time	CWB Check Star

Book/Cite Approval Star	Mass Arrest Code	M X-Rays ☐	School (if Juvenile)	Statement ☐

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos

[redacted]

SFDPA - 0179-14 - 001305

NARRATIVE

On 03/05/2014 at 1630 hours (R/V) Nieto came in to Ingleside Station to report threats and a restraining order violation.

Nieto provided a (E1) written statement that said on today's date at 1530 hours he parked his vehicle near [redacted] He said he was on his way to see his [redacted]. [redacted] was walking towards Nieto when (S) [redacted] began walking towards him. [redacted] and [redacted] have an (E2) active restraining order against [redacted] (case [redacted]). As [redacted] approached Nieto, [redacted] said to Nieto "Stay the fuck away from my [redacted]." Nieto said he had a tazer gun with him. Nieto advised [redacted] that there was a restraining order in place and [redacted] then took up a "boxing" stance. Nieto said he feared for his life and shot [redacted] with the tazer but [redacted] ripped and broke the wires. [redacted] then said "Your stupid tazer is not going to do shit to me motherfucker." Nieto called 911 from his cell phone but the line disconnected. Nieto said his vehicle was about 50 feet behind him and he backed towards his car and reloaded the tazer. [redacted] charged at Nieto and Nieto then accidently "tazed" himself. Nieto reloaded the tazer and shot [redacted]. [redacted] then said "Alejandro, watch I'm going to fuck you up." [redacted] then got into a small blue/green car and fled in an unknown direction. Nieto tried to call 911 a second time but said that his cell phone battery had died. When asked, Nieto said he did not know if [redacted] had witnessed the incident.

I booked the statement and a copy of the restraining order at Ingleside Station. I gave Nieto a Follow-up Form and explained the procedure on how to obtain a copy of this report.

CH-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

FILED
Superior Court of California
County of San Francisco
MAR 17 2013 2014
CLERK OF THE COURT
BY: Mary Ann Moran Deputy Clerk

(1) Person Seeking Protection

a. Your Full Name: [redacted]

Your Lawyer *(if you have one for this case)*:
Name: _____ State Bar No.: _____
Firm Name: _____

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)*:
Address: [redacted]
City: [redacted] State: [redacted] Zip: [redacted]
Telephone: [redacted] Fax: _____
E-Mail Address: _____

Fill in court name and street address:
Superior Court of California, County of
San Francisco Superior Court
Civic Center Courthouse
400 McAllister Street, Room 103
San Francisco, CA 94102-4514

Court fills in case number when form is filed
Case Number:
CCH-14-575532

(2) Person From Whom Protection Is Sought

Full Name: Alejandro Nieto

The court will complete the rest of this form.

(3) Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in (2):

Hearing Date → Date: 4-9-14 Time: 9:00am
Dept.: 514 Room: _____

Name and address of court if different from above:
_____
_____
_____

(4) Temporary Restraining Orders *(Any orders granted are on Form CH-110, served with this notice.)*

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, *Request for Civil Harassment Restraining Orders*, are *(check only one box below)*:

(1) ☐ All **GRANTED** until the court hearing.

(2) ☐ All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

(3) ☑ Partly **GRANTED** and partly **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

SFDPA - 0179-14 - 001307

Case Number:

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in Form CH-100, *Request for Civil Harassment Restraining Orders*, are:

(1) ☐ The facts as stated in Form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in (1) and caused substantial emotional distress.

(2) ☑ Other *(specify)*: ☐ As set forth on Attachment 4b.

Notice required for restraining order to be effective

(5) Service of Documents by The Person in (1)

At least ☑ **five** ☐ _____ **days before the hearing,** someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court file-stamped copy of this Form CH-109, *Notice of Court Hearing*, to the person in (2) along with a copy of all the forms indicated below:

a. CH-100, *Request for Civil Harassment Restraining Orders* (file-stamped)
b. ☑ CH-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
c. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
d. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
e. CH-250, *Proof of Service of Response by Mail* (blank form)
f. ☐ Other *(specify)*: _____

Date: 3/17/14

Barry M Dorfman
Judicial Officer Hon. Harry M. Dorfman

To the Person in (1):

- The court cannot make the restraining orders after the court hearing unless the person in (2) has been personally given (served) a copy of your request and any temporary orders. To show that the person in (2) has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read Form CH-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in (2) in time, you may ask for more time to serve the documents. Use Form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order.*

SFDPA - 0179-14 - 001308

Case Number:

To the Person in ❷ :

- If you want to respond to the request for orders in writing, file Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ① .
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms that you own or possess.**



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to *www.courts.ca.gov/forms* for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

SFDPA - 0179-14 - 001309

CH-110 Temporary Restraining Order

Person in (1) must complete items (1), (2), and (3) only.

Clerk stamps date here when form is filed.

FILED
Superior Court of California
County of San Francisco
MAR 17 2013 2014
CLERK OF THE COURT
BY: Maryann Moran
Deputy Clerk

Fill in court name and street address:

Superior Court of California, County of

San Francisco Superior Court
Civic Center Courthouse
400 McAllister Street, Room 103
San Francisco, CA 94102-4514

Court fills in case number when form is filed.

Case Number:
CCH-14-575532

(1) Protected Perso [redacted]

a. Your Full Name: _____

Your Lawyer *(if you have one for this case)*:

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)*:

Address: [redacted]

City: [redacted] State: [redacted] Zip [redacted]

Telephone: [redacted] Fax: _____

E-Mail Address: _____

(2) Restrained Person

Full Name: Alejandro Nieto

Description:

Sex: ☑ M ☐ F Height: 5'9 Weight: 230 Date of Birth: _____

Hair Color: BLK Eye Color: Brown Age: 27 Race: Hispanic

Home Address *(if known)*: _____

City: San Francisco State: CA Zip: 94131

Relationship to Protected Person: None

(3) ☑ Additional Protected Persons

In addition to the person named in (1), the following family or household members of that person are protected by the temporary orders indicated below:

Full Name	Sex	Age	Household Member?	Relation to Protected Person
[redacted]	[redacted]	[redacted]	☑ Yes ☐ No	[redacted]
			☑ Yes ☐ No	
			☑ Yes ☐ No	

☐ *Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025,* Attachment.

The court will complete the rest of this form.

(4) Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: 4/9/14 Time: 9:00 ☑ a.m. ☐ p.m.

This is a Court Order.

SFDPA - 0179-14 - 001310

Case Number:

To the Person in (2):

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to $1,000, or both.

(5) Personal Conduct Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☑ **Granted as Follows:**

a. You must **not** do the following things to the person named in (1) ☑ and to the other protected persons listed in (3):

(1) ☑ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.

(2) ☑ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.

(3) ☑ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.

(4) ☐ Other *(specify)*:

☐ Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in (1).

(6) Stay-Away Order

☐ **Not Requested** ☐ **Denied Until the Hearing** ☑ **Granted as Follows:**

a. You must stay at least 50 yards away from *(check all that apply)*:

(1) ☑ The person in (1)

(2) ☑ Each person in (3)

(3) ☑ The home of the person in (1)

(4) ☑ The job or workplace of the person in (1)

(5) ☑ The school of the children of the person in (1)

(6) ☑ The place of child care of the children of the person in (1)

(7) ☑ The vehicle of the person in (1)

(8) ☐ Other *(specify)*:

b. This stay-away order does not prevent you from going to or from your home or place of employment.

(7) No Guns or Other Firearms and Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

(1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.

This is a Court Order.

SFDPA - 0179-14 - 001311

Case Number:

(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. *(You may use Form CH-800,* Proof of Firearms Turned In or Sold, *for the receipt.)*

c. ☐ The court has received information that you own or possess a firearm.

(8) Other Orders

☐ **Not Requested** ☑ **Denied Until the Hearing** ☐ **Granted as Follows** *(specify):*

☐ Additional orders are attached at the end of this Order on Attachment 8.

To the Person in (1):

(9) Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

a. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.

b. ☑ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

c. ☐ By the close of business on the date that this Order is made, the person in (1) or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency	Address *(City, State, Zip)*

☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 9.

(10) No Fee to Serve (Notify) Restrained Person ☑ **Ordered** ☐ **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

a. ☑ The Order is based on unlawful violence, a credible threat of violence, or stalking.

b. ☐ The person in (1) is entitled to a fee waiver.

(11) Number of pages attached to this Order, if any: Ø

Date: 3/17/14

Judicial Officer Hon. Harry M. Dorfman

This is a Court Order.

SFDPA - 0179-14 - 001312

Case Number:

Warnings and Notices to the Restrained Person in (2)

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item (7) above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form CH-109, *Notice of Court Hearing,* but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item (2).

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?,* to learn how to respond to this Order.
- If you want to respond, fill out Form CH-120, *Response to Request for Civil Harassment Restraining Orders,* and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in (1).
- You must have Form CH-120 served by mail on the person in (1) or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign Form CH-250, *Proof of Service of Response by Mail.* File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration,* for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at *www.courts.ca.gov/forms*. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

This is a Court Order.

SFDPA - 0179-14 - 001313

Case Number:

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 3. The order *ends* on the expiration date in item (4) on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate [seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

SFDPA - 0179-14 - 001314

CH-100 Request for Civil Harassment Restraining Orders

Read *Can a Civil Harassment Restraining Order Help Me? (Form CH-100-INFO) before completing this form. Also fill out* Confidential CLETS Information (*Form CLETS-001), with as much information as you know.*

Clerk stamps date here when form is filed.

FILED
Superior Court of California
County of San Francisco
MAR 14 2014
CLERK OF THE COURT
BY: _____ Deputy Clerk

(1) Person Seeking Protection

a. You [redacted] Age [redacted]

You [redacted]:

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):*

Address: [redacted]

City: [redacted] State: [redacted] Zip: [redacted]

Telephone: [redacted] Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

San Francisco Superior Court
Civic Center Courthouse
400 McAllister Street, Room 103
San Francisco, CA 94102-4514

Court fills in case number when form is filed.

Case Number:
CCH-14-575532

(2) Person From Whom Protection Is Sought

Full Name: Alejandro Nieto Age: 27

Address *(if known):* _____

City: San Francisco State: CA Zip: 94131

(3) Additional Protected Persons

a. Are you asking for protection for any other family or household members? ☑ Yes ☐ No *If yes, list them:*

Full Name	Sex	Age	Lives with you?	How are they related to you?
[redacted]	[redacted]	[redacted]	☐ Yes ☑ No	[redacted]
			☐ Yes ☑ No	
			☐ Yes ☑ No	
			☐ Yes ☐ No	

☐ *Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use Form MC-025,* Attachment.

b. Why do these people need protection? *(Explain below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.*

Because Alejandro Nieto attack me infront of [redacted] and im afraid that he might do it again but this time with my [redacted] around and he tries to have contact with my [redacted] when [redacted] around.

This is not a Court Order.

SFDPA - 0179-14 - 001315

Case Number:

(4) Relationship of Parties

How do you know the person in (2)? *(Explain below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 4—Relationship of Parties" for a title.*

5 years ago he use to be a friend of mine But now he has Bad Blood for me.

(5) Venue

Why are you filing in this county? *(Check all that apply):*

a. ☑ The person in (2) lives in this county.

b. ☑ I was harassed by the person in (2) in this county.

c. ☑ Other *(specify):* Alejandro Neto Attack me with a Taser Gun 4 times in front of [redacted] and my [redacted]

(6) Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

☑ No ☐ Yes *If yes, check each kind of case and indicate where and when each was filed:*

Kind of Case	Filed in *(County/State)*	Year Filed	Case Number *(if known)*
(1) ☐ Civil Harassment			
(2) ☐ Domestic Violence			
(3) ☐ Divorce, Nullity, Legal Separation			
(4) ☐ Paternity, Parentage, Child Custody			
(5) ☐ Elder or Dependent Adult Abuse			
(6) ☐ Eviction			
(7) ☐ Guardianship			
(8) ☐ Workplace Violence			
(9) ☐ Small Claims			
(10) ☐ Criminal			
(11) ☑ Other *(specify):* Alejandro has a restraining order against me.	San Francisco	2013	

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)? ☐ No ☐ Yes. *If yes, attach a copy if you have one.*

(7) Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

a. Tell the court about the last time the person in (2) harassed you.

(1) When did it happen? *(provide date or estimated date):* March, 5, 2014 @ 3:15PM

(2) Who else was there? [redacted]

This is not a Court Order.

SFDPA - 0179-14 - 001316

Case Number:

(3) How did the person in (2) harass you? *(Explain below):*

☑ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.*

He force himself into [redacted] car when I was picking up [redacted] when I appered he Scream to me to get the Fuck out and that Fuck you [redacted] then he got out of the car with a Duffle Bag holding what look to be a gun, but turn out to be a taser gun. He pointed it to me and I told him I have no problem with you and turn around to talk to my [redacted] while my [redacted] was telling me that he force himself in side the car Alejandro Nieto Shoot me with the taser gun on the back.

(4) Did the person in (2) use or threaten to use a gun or any other weapon?

☑ Yes ☐ No *(If yes, explain below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.*

He use a taser gun and Shoot me four times two on the lower Back one on the upper Back and one on my left Sholder and left forearm.

(5) Were you harmed or injured because of the harassment?

☑ Yes ☐ No *(If yes, explain below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.*

I started to Bleed from the taser darts that was Shoot at me by alejandro Nieto.

(6) Did the police come? ☐ Yes ☑ No

If yes, did they give you or the person in (2) an Emergency Protective Order? ☐ Yes ☐ No

If yes, the order protects *(check all that apply):*

a. ☐ Me b. ☐ The person in (2) c. ☐ The persons in (3)

Attach a copy of the order if you have one.

b. Has the person in (2) harassed you at other times?

☑ Yes ☐ No *(If yes, describe prior incidents and provide dates of harassment below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7b—Previous Harassment" for a title.*

Friday March 7, @ 2:18 Am. I was walking on Alemany Blv. to go to work and A white Caprice follow me when I found out I was alejandro Nieto I cross the Street and he Dove fast through the Farmers market and on march 13. 8:10pm I was on my way to the police Station to opena report when I saw Alejandro in his Caprice and he Scream out what you going to do now. It was on the Corner of Valencia and 26th.

This is not a Court Order.

SFDPA - 0179-14 - 001317

MC-025

SHORT TITLE:	CASE NUMBER:
Describe Harassment	

ATTACHMENT (Number): 7a(3)

(This Attachment may be used with any Judicial Council form.)

When I turn around and twist my anckle I grave the Taser dart's and pulled it out of my Back when Alejandro Nieto Shoot me again and Hit me onmy Lower Back. I Pulled it out and told [redacted] what's going on when I saw [redacted] Frozen and fear in [redacted] face and alejandro Nieto Shoot me again Hit me on the Butt check and Lower Back. I got inside my [redacted] Car and told [redacted] to leave But [redacted] was Frozen with fear. I saw Alejandro Nieto Running to his Car a white Caprice and told [redacted] that I going to Bring the [redacted] my [redacted] to my [redacted] house.

When I walk fast without Running Because my anckle was twisted Alejandro Nieto Chases me to my [redacted] car and Before I got in the Car he tase me again on my left Sholder and for arm and I Struggled to get the dart's out of my Skin and started Bleeding lot. When I got in my [redacted] car Alejandro Nieto Started to Kick [redacted] pointing the taser gun a the Driver door window and Screaming get the fuck out mother fucker im going to get you this time. I Started the Car and left as well as my [redacted] in [redacted] car. Two day's later on Friday 7, 2014 @ 2:18 Am I was taking Alemany Blv. walking to go to my Job when the Same White Caprice was following me and then I cross the street and Alejandro Nieto Doove through the farmers market on alemany Blv. and Stop to go around or Samthing But I was afraid that he might do Something at the time.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

SFDPA - 0179-14 - 001318

Case Number:

Check the orders you want. ☑

(8) ☐ Personal Conduct Orders

I ask the court to order the person in (2) not to do any of the following things to me or to any person to be protected listed in (3):

a. ☑ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.

b. ☑ Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.

c. ☐ Other *specify):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 8c—Other Personal Conduct Orders," for a title.*

[redacted]

unless the court finds good cause not to make the order.

(9) ☐ Stay-Away Orders

a. I ask the court to order the person in (2) to stay at least 200 yards away from *(check all that apply):*

(1) ☑ Me
(2) ☑ The other persons listed in (3)
(3) ☑ My home
(4) ☑ My job or workplace
(5) ☐ My school
(6) ☑ My children's school
(7) ☑ My children's place of child care
(8) ☑ My vehicle
(9) ☐ Other *(specify):* _____

b. If the court orders the person in (2) to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? ☑ Yes ☐ No *(If no, explain below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.*

(10) Guns or Other Firearms and Ammunition

Does the person in (2) own or possess any guns or other firearms? ☐ Yes ☐ No ☑ I don't know

If the judge grants a protective order, the person in (2) will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in (2) will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.

This is not a Court Order.

SFDPA - 0179-14 - 001319

Case Number:

(11) Immediate Orders

Do you want the court to make any of these orders now that will last until the hearing without notice to the person in (2)? ☑ Yes ☐ No *(If you answered yes, explain why below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 11—Immediate Orders" for a title.*

Because I don't know wher he lives at the momment and can not track him down to serve him with a Restraining order. and he has a Restraining order agaiNts me and I can not come close to him.

(12) ☐ Request to Give Less Than Five Days' Notice

You must have your papers personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of Personal Service"? *Form CH-200,* Proof of Personal Service, *may be used to show the court that the papers have been served.)*

If you want there to be fewer than five days between service and the hearing, explain why below:

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 12—Request to Give Less Than Five-Days Notice" for a title.*

(13) ☐ No Fee for Filing or Service

a. ☑ There should be no filing fee because the person in (2) has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.

b. ☐ The sheriff or marshal should serve (notify) the person in (2) about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.

c. ☐ There should be no filing fee and the sheriff or marshal should serve the person in (2) for free because I am entitled to a fee waiver. *(You must complete and file Form FW-001,* Application for Waiver of Court Fees and Costs.*)*

(14) ☐ Lawyer's Fees and Costs

I ask the court to order payment of my: a. ☐ Lawyer's fees b. ☐ Court costs

The amounts requested are:

Item	Amount	Item	Amount
	$		$
	$		$
	$		$

☐ *Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.*

This is not a Court Order.

SFDPA - 0179-14 - 001320

Case Number:

(15) ☐ **Additional Orders Requested**

I ask the court to make the following additional orders *(specify)*:

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 15—Additional Orders Requested," for a title.*

Comming Close or going into my Honda Accord that is in my name.

(16) Number of pages attached to this form, if any: _____

Date: _____

_____ ▶ _____

Lawyer's name (if any) *Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: 3/14/14

[redacted] ▶ [redacted]

Sign y

This is not a Court Order.

SFDPA - 0179-14 - 001321

MC-025

SHORT TITLE:	CASE NUMBER:

ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

Clets-001 Page 2

(4) Other People to be Protected

[redacted]

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

SFDPA - 0179-14 - 001322

CH-100 Request for Civil Harassment Restraining Orders

Read *Can a Civil Harassment Restraining Order Help Me? (Form CH-100-INFO)* before completing this form. *Also fill out* Confidential CLETS Information (*Form CLETS-001*), *with as much information as you know.*

Clerk stamps date here when form is filed.

FILED
Superior Court of California
County of San Francisco
MAR 20 2014
CLERK OF THE COURT
BY: _____ Deputy Clerk

Fill in court name and street address:

Superior Court of California, County of
County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Court fills in case number when form is filed.

Case Number: CCH-14-575545

(1) Person Seeking Protection

a. [redacted] Age: [redacted]

Name: IN PRO PER State Bar No.: _____

Firm Name: _____

b. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.*):

Address: [redacted]

City: [redacted] State: [redacted] Zip: [redacted]

Telephone: [redacted] Fax: _____

E-Mail Address: _____

(2) Person From Whom Protection Is Sought

Full Name: Alejandro Nieto Age: 28

Address (*if known*): _____

City: San Francisco State: CA Zip: _____

(3) Additional Protected Persons

a. Are you asking for protection for any other family or household members? ☒ Yes ☐ No *If yes, list them:*

Full Name	Sex	Age	Lives with you?	How are they related to you?
[redacted]	[redacted]		☒ Yes ☐ No	[redacted]
			☒ Yes ☐ No	
			☒ Yes ☐ No	
			☐ Yes ☐ No	

☐ *Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use Form MC-025,* Attachment.

b. Why do these people need protection? (*Explain below*):

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.*

I don't want them to be in the middle of violence. They have already been through enough with Domestic violence that BE day, Alejandro scared me and I fear for [redacted]

This is not a Court Order.

ACC

SFDPA - 0179-14 - 001323

Case Number:

(4) Relationship of Parties

How do you know the person in (2)? *(Explain below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 4—Relationship of Parties" for a title.*

We were friends

(5) Venue

Why are you filing in this county? *(Check all that apply):*

a. ☒ The person in (2) lives in this county.

b. ☐ I was harassed by the person in (2) in this county.

c. ☐ Other *(specify):* _____

(6) Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

☒ No ☐ Yes *If yes, check each kind of case and indicate where and when each was filed:*

Kind of Case	Filed in *(County/State)*	Year Filed	Case Number *(if known)*
(1) ☐ Civil Harassment			
(2) ☐ Domestic Violence			
(3) ☐ Divorce, Nullity, Legal Separation			
(4) ☐ Paternity, Parentage, Child Custody			
(5) ☐ Elder or Dependent Adult Abuse			
(6) ☐ Eviction			
(7) ☐ Guardianship			
(8) ☐ Workplace Violence			
(9) ☐ Small Claims			
(10) ☐ Criminal			
(11) ☐ Other *(specify):*			

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)? ☒ No ☐ Yes *If yes, attach a copy if you have one.*

(7) Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

a. Tell the court about the last time the person in (2) harassed you.

(1) When did it happen? *(provide date or estimated date):* 3/5/14

(2) Who else was there?

[redacted]

This is not a Court Order.

SFDPA - 0179-14 - 001324

Case Number:

(3) How did the person in (2) harass you? *(Explain below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.*

March 05th around 3:00pm & 3:50 pm Alejandro Nieto got in my car whitout my [redacted] permission, my [redacted] came to pick up my [redacted], & when alejandro Nieto, screamed to my [redacted] went out to the car, and my [redacted] asked me, whats going on? Alejandro Start to shoot [redacted] with a taser gun 36 At times in front of my [redacted], and I.

(4) Did the person in (2) use or threaten to use a gun or any other weapon?

☒ Yes ☐ No *(If yes, explain below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.*

He used a taser on my [redacted]

(5) Were you harmed or injured because of the harassment?

☒ Yes ☐ No *(If yes, explain below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.*

Psychologically I was beside F...work...scared of what he might to do my [redacted]

(6) Did the police come? ☐ Yes ☒ No

If yes, did they give you or the person in (2) an Emergency Protective Order? ☐ Yes ☐ No

If yes, the order protects *(check all that apply):*

a. ☐ Me b. ☐ The person in (2) c. ☐ The persons in (3)

Attach a copy of the order if you have one.

b. Has the person in (2) harassed you at other times?

☐ Yes ☒ No *(If yes, describe prior incidents and provide dates of harassment below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7b—Previous Harassment" for a title.*

This is not a Court Order.

SFDPA - 0179-14 - 001325

Case Number:

Check the orders you want. ☑

(8) ☒ Personal Conduct Orders

I ask the court to order the person in (2) not to do any of the following things to me or to any person to be protected listed in (3):

a. ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.

b. ☒ Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.

c. ☐ Other *specify):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 8c—Other Personal Conduct Orders," for a title.*

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

(9) ☒ Stay-Away Orders

a. I ask the court to order the person in (2) to stay at least 50 yards away from *(check all that apply):*

(1) ☒ Me
(2) ☒ The other persons listed in (3)
(3) ☒ My home
(4) ☒ My job or workplace
(5) ☐ My school
(6) ☒ My children's school
(7) ☒ My children's place of child care
(8) ☒ My vehicle
(9) ☐ Other *(specify):*

b. If the court orders the person in (2) to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? ☐ Yes ☐ No *(If no, explain below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.*

(10) Guns or Other Firearms and Ammunition

Does the person in (2) own or possess any guns or other firearms? ☐ Yes ☐ No ☒ I don't know he owns a taser

If the judge grants a protective order, the person in (2) will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in (2) will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.

This is not a Court Order.

SFDPA - 0179-14 - 001326

Case Number:

(11) Immediate Orders

Do you want the court to make any of these orders now that will last until the hearing without notice to the person in (2)? ☐ Yes ☒ No *(If you answered yes, explain why below):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 11—Immediate Orders" for a title.*

(12) ☐ Request to Give Less Than Five Days' Notice

You must have your papers personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of Personal Service"? *Form CH-200,* Proof of Personal Service, *may be used to show the court that the papers have been served.)*

If you want there to be fewer than five days between service and the hearing, explain why below:

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 12—Request to Give Less Than Five-Days Notice" for a title.*

(13) ☒ No Fee for Filing or Service

a. ☒ There should be no filing fee because the person in (2) has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.

b. ☒ The sheriff or marshal should serve (notify) the person in (2) about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.

c. ☐ There should be no filing fee and the sheriff or marshal should serve the person in (2) for free because I am entitled to a fee waiver. *(You must complete and file Form FW-001,* Application for Waiver of Court Fees and Costs.*)*

(14) ☐ Lawyer's Fees and Costs

I ask the court to order payment of my: a. ☐ Lawyer's fees b. ☐ Court costs

The amounts requested are:

Item	Amount	Item	Amount
	$		$
	$		$
	$		$

☐ *Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.*

This is not a Court Order.

SFDPA - 0179-14 - 001327

Case Number:

15 ☐ **Additional Orders Requested**

I ask the court to make the following additional orders *(specify)*:

☐ *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 15—Additional Orders Requested," for a title.*

16 Number of pages attached to this form, if any: —0—

Date: _____

_____ ▶ _____

Lawyer's name (if any) *Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: 3/20/14

[redacted] ▶ [redacted]

Type or print your name *Sign your name*

This is not a Court Order.

SFDPA - 0179-14 - 001328

CH-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

FILED
SAN FRANCISCO COUNTY
2014 MAR 21 PM 1:59
CLERK OF THE COURT
BY: [illegible] Deputy Clerk

(1) Person Seeking Protection

a. Your Full Name: [redacted]

Your Lawyer *(if you have one for this case)*:
Name: IN pro per State Bar No.:
Firm Name:

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)*:
Address: [redacted]
City: [redacted] State: [redacted] Zip: [redacted]
Telephone: Fax:
E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of
Superior Court of California
County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Court fills in case number when form is filed:

Case Number:
CCH-14-575545

(2) Person From Whom Protection Is Sought

Full Name: Alejandro Nieto

The court will complete the rest of this form.

(3) Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in (2):

Hearing Date → Date: 4-11-14 Time: 9:00
Dept.: 514 Room: 514

Name and address of court if different from above:

(4) Temporary Restraining Orders *(Any orders granted are on Form CH-110, served with this notice.)*

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, *Request for Civil Harassment Restraining Orders*, are *(check only one box below)*:

(1) ☐ All **GRANTED** until the court hearing.

(2) ☐ All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

(3) ☑ Partly **GRANTED** and partly **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

SFDPA - 0179-14 - 001329

Case Number:

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in Form CH-100, *Request for Civil Harassment Restraining Orders*, are:

(1) ☐ The facts as stated in Form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in (1) and caused substantial emotional distress.

(2) ☑ Other *(specify)*: ☐ As set forth on Attachment 4b.

Notice required for restraining order to be effective

(5) Service of Documents by The Person in (1)

At least ☑ **five** ☐ 5 **days before the hearing,** someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court file-stamped copy of this Form CH-109, *Notice of Court Hearing,* to the person in (2) along with a copy of all the forms indicated below:

a. CH-100, *Request for Civil Harassment Restraining Orders* (file-stamped)
b. ☑ CH-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
c. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
d. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
e. CH-250, *Proof of Service of Response by Mail* (blank form)
f. ☐ Other *(specify)*: _____

Date: 3/21/2014

Judicial Officer Hon. Harry M. Dorfman

To the Person in (1):

- The court cannot make the restraining orders after the court hearing unless the person in (2) has been personally given (served) a copy of your request and any temporary orders. To show that the person in (2) has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service,* may be used.
- For information about service, read Form CH-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in (2) in time, you may ask for more time to serve the documents. Use Form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order.*

SFDPA - 0179-14 - 001330

Case Number:

To the Person in ❷:

- If you want to respond to the request for orders in writing, file Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ❶.
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms that you own or possess.**



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to *www.courts.ca.gov/forms* for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

SFDPA - 0179-14 - 001331

CH-110 Temporary Restraining Order

Person in (1) must complete items (1), (2), and (3) only.

Clerk stamps date here when form is filed.

FILED
SUPERIOR COURT
2014 MAR 21 PM 1:51
CLERK OF THE COURT
BY: [redacted] Clerk

(1) Protected Person

a. Your Full Name: [redacted]

Your Lawyer *(if you have one for this case)*:

Name: In pro per State Bar No.:

Firm Name:

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)*:

Address: [redacted]

City: [redacted] State: [redacted] Zip: [redacted]

Telephone: Fax:

E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of
Superior Court of California
County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Court fills in case number when form is filed.

Case Number:
CCH-14-575545

(2) Restrained Person

Full Name: Alejandro Nieto

Description:

Sex: ☒ M ☐ F Height: 6'0" Weight: 180 [redacted]

Hair Color: Black Eye Color: Light Brown Age: 26 Race: Hispanic

Home Address *(if known)*:

City: San Francisco State: CA Zip:

Relationship to Protected Person: We used to be friends

(3) ☒ Additional Protected Persons

In addition to the person named in (1), the following family or household members of that person are protected by the temporary orders indicated below:

Full Name	Sex	Age	Household Member?	Relation to Protected Person
[redacted]	[redacted]	[redacted]	☑ Yes ☐ No	[redacted]
			☑ Yes ☐ No	
			☑ Yes ☐ No	

☐ *Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025,* Attachment.

The court will complete the rest of this form.

(4) Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: 4/11/2014 Time: 9:00 ☑ a.m. ☐ p.m.

This is a Court Order.

SFDPA - 0179-14 - 001332

Case Number:

To the Person in (2):

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to $1,000, or both.

(5) Personal Conduct Orders

☐ Not Requested ☐ Denied Until the Hearing ☑ Granted as Follows:

a. You must **not** do the following things to the person named in (1) ☑ and to the other protected persons listed in (3):

(1) ☑ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.

(2) ☑ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.

(3) ☑ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.

(4) ☐ Other *(specify)*:

☐ Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in (1).

(6) Stay-Away Order

☐ Not Requested ☐ Denied Until the Hearing ☑ Granted as Follows:

a. You must stay at least 50 yards away from *(check all that apply)*:

(1) ☑ The person in (1)

(2) ☑ Each person in (3)

(3) ☑ The home of the person in (1)

(4) ☑ The job or workplace of the person in (1)

(5) ☑ The school of the children of the person in (1)

(6) ☑ The place of child care of the children of the person in (1)

(7) ☑ The vehicle of the person in (1)

(8) ☐ Other *(specify)*:

b. This stay-away order does not prevent you from going to or from your home or place of employment.

(7) No Guns or Other Firearms and Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

(1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.

This is a Court Order.

SFDPA - 0179-14 - 001333

Case Number:

(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. *(You may use Form CH-800,* Proof of Firearms Turned In or Sold, *for the receipt.)*

c. ☐ The court has received information that you own or possess a firearm.

(8) Other Orders

☑ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows** *(specify):*

☐ Additional orders are attached at the end of this Order on Attachment 8.

To the Person in (1):

(9) Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

a. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.

b. ☑ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

c. ☐ By the close of business on the date that this Order is made, the person in (1) or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency	Address *(City, State, Zip)*

☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 9.

(10) No Fee to Serve (Notify) Restrained Person ☑ **Ordered** ☐ **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

a. ☑ The Order is based on unlawful violence, a credible threat of violence, or stalking.

b. ☐ The person in (1) is entitled to a fee waiver.

(11) Number of pages attached to this Order, if any: 0

Date: [redacted]

Harry M. Dorfman

Judicial Officer Hon. Harry M. Dorfman

This is a Court Order.

SFDPA - 0179-14 - 001334

Case Number:

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑦ above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form CH-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ②.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in ①.
- You must have Form CH-120 served by mail on the person in ① or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign Form CH-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at *www.courts.ca.gov/forms*. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

This is a Court Order.

SFDPA - 0179-14 - 001335

Case Number:

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 3. The order *ends* on the expiration date in item (4) on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate [seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

SFDPA - 0179-14 - 001336

Name: Chew,Nathan L **Star: 2088** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Date	Year

POST Certifications		Issue Date	License #
BAS	Basic Certification	[redacted]	[redacted]

Course Summary

Title: BIKE SAFETY VIDEO **Control No:** RC2014 **Hours:** 0.00
Start Date: 01/01/14 **End Date:** 12/31/14 **Course Type:** Certification Required **Advised Date:** 27-FEB-2014
Comments:

Title: LIMITED ENGLISH PROFICIENT PER **Control No:** RC2014 **Hours:** 0.00
Start Date: 01/01/14 **End Date:** 12/31/14 **Course Type:** Certification Required **Advised Date:** 27-FEB-2014
Comments:

Title: SMARTPHONE TRAINING -DEPT WIDE **Control No:** SF183 **Hours:** 3.00
Start Date: 07/17/13 **End Date:** 07/17/14 **Course Type:** Non_Certified **Advised Date:** 24-SEP-2013
Comments:

Title: PURSUIT POLICY TRAINING 2013 **Control No:** PP007 **Hours:** 1.00
Start Date: 05/28/13 **End Date:** 06/30/14 **Course Type:** Certification Required **Advised Date:** 03-JUN-2013
Comments:

SFDPA - 0179-14 - 001337

Title: 398-12 SYRINGE ACCESS AND DISP **Control No:** RC2012 **Hours:** 1.00

Start Date: 12/01/12 **End Date:** 12/01/13 **Course Type:** Certification Required **Advised Date:** 27-FEB-2013

Comments:

Title: 397-12 INDICATORS OF TERRORIST **Control No:** RC2012 **Hours:** 1.00

Start Date: 11/01/12 **End Date:** 11/30/13 **Course Type:** Certification Required **Advised Date:** 15-NOV-2012

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 10/15/12 **End Date:** 10/18/12 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 10/01/12 **End Date:** 10/04/12 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: 396-12 AMMONIA INHALANTS OCTOB **Control No:** RC2012 **Hours:** 1.00

Start Date: 09/25/12 **End Date:** 10/01/13 **Course Type:** Certification Required **Advised Date:** 05-OCT-2012

Comments:

SFDPA - 0179-14 - 001338

Title: PURSUIT POLICY TRAINING 2012 (**Control No:** PP006 **Hours:** 1.00

Start Date: 05/15/12 **End Date:** 06/30/13 **Course Type:** Certification Required **Advised Date:** 11-JUN-2012

Comments:

Title: SABRE RED OC **Control No:** RC2011 **Hours:** 1.00

Start Date: 09/08/11 **End Date:** 09/08/12 **Course Type:** Non_Certified **Advised Date:** 28-OCT-2011

Comments:

Title: CIVIL GANG INJUNCTION **Control No:** SF141 **Hours:** 2.00

Start Date: 08/10/11 **End Date:** 08/10/11 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PURSUIT POLICY 2011 **Control No:** PP005 **Hours:** 1.00

Start Date: 05/16/11 **End Date:** 05/16/12 **Course Type:** Certification Required **Advised Date:** 02-JUL-2011

Comments:

Title: BICYCLE PATROL-24 HR **Control No:** 23820 **Hours:** 24.00

Start Date: 05/04/11 **End Date:** 05/06/11 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: PROMOTION OF CIVIL SIDE WALK O **Control No:** RC2011 **Hours:** 1.00

Start Date: 01/20/11 **End Date:** 01/20/12 **Course Type:** Non_Certified **Advised Date:** 28-JAN-2011

Comments:

SFDPA - 0179-14 - 001339

Title: DSW PERSONAL PREPAREDNESS TRAI **Control No:** RC2010 **Hours:** 1.00

Start Date: 11/01/10 **End Date:** **Course Type:** Non_Certified **Advised Date:** 03-FEB-2011

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 08/02/10 **End Date:** 08/05/10 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: PURSUIT POLICY TRAINING 2010 **Control No:** PP004 **Hours:** 1.00

Start Date: 06/30/10 **End Date:** 06/30/10 **Course Type:** Non_Certified **Advised Date:**

Comments:

Title: DRIVER TRAINING EVOC 18 HOUR **Control No:** 21155 **Hours:** 18.00

Start Date: 04/13/10 **End Date:** 04/14/10 **Course Type:** Certified Technical **School:** --

Comments:

Title: PRESUMPTIVE NARCOTICS TESTING **Control No:** SF094 **Hours:** 1.00

Start Date: 03/26/10 **End Date:** 03/26/10 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: EXPANDABLE BATON **Control No:** SF011 **Hours:** 3.00

Start Date: 10/14/09 **End Date:** 10/14/09 **Course Type:** Non_Certified **School:** SFPD

Comments:

SFDPA - 0179-14 - 001340

Title: PERSONAL PREPAREDNESS **Control No:** DW0810 **Hours:** 1.00

Start Date: 07/15/09 **End Date:** 07/15/09 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: FOOT PATROL **Control No:** SF026 **Hours:** 10.00

Start Date: 06/02/09 **End Date:** 06/02/09 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: CAL-PHOTO **Control No:** SF001 **Hours:** 1.00

Start Date: 04/22/08 **End Date:** 04/22/08 **Course Type:** Non_Certified **School:** SFPD

Comments:

End of Report

SFDPA - 0179-14 - 001341

Name: Morse,Roger C **Star: 1923** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Date	Year

POST Certifications		Issue Date	License #
BAS	Basic Certification	[redacted]	[redacted]
INT	Intermediate Certification	[redacted]	[redacted]

Course Summary

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 04/07/14 **End Date:** 04/10/14 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: LIMITED ENGLISH PROFICIENT PER **Control No:** RC2014 **Hours:** 0.00

Start Date: 01/01/14 **End Date:** 12/31/14 **Course Type:** Certification Required **Advised Date:** 27-FEB-2014

Comments:

Title: BIKE SAFETY VIDEO **Control No:** RC2014 **Hours:** 0.00

Start Date: 01/01/14 **End Date:** 12/31/14 **Course Type:** Certification Required **Advised Date:** 27-FEB-2014

Comments:

Title: SMARTPHONE TRAINING -DEPT WIDE **Control No:** SF183 **Hours:** 3.00

Start Date: 07/17/13 **End Date:** 07/17/14 **Course Type:** Non_Certified **Advised Date:** 25-OCT-2013

Comments:

Title: 400-13 RADIO CODE 421 DVD **Control No:** RC2013 **Hours:** 1.00

Start Date: 07/02/13 **End Date:** 07/31/14 **Course Type:** Certification Required **Advised Date:** 16-JUL-2013

Comments:

Title: PURSUIT POLICY TRAINING 2013 **Control No:** PP007 **Hours:** 1.00

Start Date: 05/28/13 **End Date:** 06/30/14 **Course Type:** Certification Required **Advised Date:** 03-JUN-2013

Comments:

Title: PLAINCLOTHES - 10 HOUR CLASS **Control No:** SF178 **Hours:** 10.00

Start Date: 04/11/13 **End Date:** 04/11/13 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: FIELD TRAINING OFFICER **Control No:** 31725 **Hours:** 40.00

Start Date: 12/03/12 **End Date:** 12/06/12 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: BICYCLE PATROL-24 HR **Control No:** 23820 **Hours:** 24.00

Start Date: 11/14/12 **End Date:** 11/16/12 **Course Type:** Certified Technical **School:** SFPD

Comments:

SFDPA - 0179-14 - 001343

Title: POLICE CRISIS INTERVENTION II **Control No:** 20801A **Hours:** 40.00

Start Date: 10/22/12 **End Date:** 10/25/12 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: 396-12 AMMONIA INHALANTS OCTOB **Control No:** RC2012 **Hours:** 1.00

Start Date: 09/25/12 **End Date:** 10/01/13 **Course Type:** Certification Required **Advised Date:** 14-OCT-2012

Comments:

Title: PURSUIT POLICY TRAINING 2012 (**Control No:** PP006 **Hours:** 1.00

Start Date: 05/15/12 **End Date:** 06/30/13 **Course Type:** Certification Required **Advised Date:** 29-MAY-2012

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 02/06/12 **End Date:** 02/09/12 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: GROUND DEFENSE & SURVIVAL **Control No:** SF159 **Hours:** 8.00

Start Date: 01/25/12 **End Date:** 01/25/12 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: SABRE RED OC **Control No:** RC2011 **Hours:** 1.00

Start Date: 09/08/11 **End Date:** 09/08/12 **Course Type:** Non_Certified **Advised Date:** 28-OCT-2011

Comments:

SFDPA - 0179-14 - 001344

Title: PURSUIT POLICY 2011 **Control No:** PP005 **Hours:** 1.00

Start Date: 05/16/11 **End Date:** 05/16/12 **Course Type:** Certification Required **Advised Date:** 19-MAY-2011

Comments:

Title: DRUG ALCOHOL RECOGNITION UPDAT **Control No:** 20315 **Hours:** 24.00

Start Date: 05/11/11 **End Date:** 05/12/11 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: EXPANDABLE BATON **Control No:** SF011 **Hours:** 3.00

Start Date: 04/27/11 **End Date:** 04/27/11 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: DRIVER TRAINING EVOC 18 HOUR **Control No:** 21155 **Hours:** 18.00

Start Date: 01/11/11 **End Date:** 01/12/11 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: DSW PERSONAL PREPAREDNESS TRAI **Control No:** RC2010 **Hours:** 1.00

Start Date: 11/01/10 **End Date:** **Course Type:** Non_Certified **Advised Date:** 22-NOV-2010

Comments:

Title: PURSUIT POLICY TRAINING 2010 **Control No:** PP004 **Hours:** 1.00

Start Date: 06/30/10 **End Date:** 06/30/10 **Course Type:** Non_Certified **Advised Date:**

Comments:

SFDPA - 0179-14 - 001345

Title: PRESUMPTIVE NARCOTICS TESTING **Control No:** SF094 **Hours:** 1.00

Start Date: 03/26/10 **End Date:** 03/26/10 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 02/22/10 **End Date:** 02/25/10 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: YAWARA STICK TRAINING **Control No:** SF019 **Hours:** 8.00

Start Date: 08/26/09 **End Date:** 08/26/09 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: PERSONAL PREPAREDNESS **Control No:** DW0810 **Hours:** 1.00

Start Date: 07/15/09 **End Date:** 07/15/09 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: I.C.I. CORE COURSE **Control No:** 26000 **Hours:** 76.00

Start Date: 02/02/09 **End Date:** 02/13/09 **Course Type:** Certified Technical **School:** --

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 03/24/08 **End Date:** 03/28/08 **Course Type:** Certified Technical **School:** SFPD

Comments:

SFDPA - 0179-14 - 001346

Title: DRIVER TRAINING EVOC 18 HOUR **Control No:** 21155 **Hours:** 18.00

Start Date: 02/12/08 **End Date:** 02/13/08 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: DRUG INFLUENCE - 11550 H&S **Control No:** 22220 **Hours:** 36.00

Start Date: 02/12/07 **End Date:** 02/15/07 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: CAL-PHOTO **Control No:** SF001 **Hours:** 1.00

Start Date: 10/06/06 **End Date:** 10/06/06 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: FROL WMD/HAZMAT **Control No:** SF024 **Hours:** 20.00

Start Date: 09/28/06 **End Date:** 09/29/06 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: RACIAL PROFILING **Control No:** 23282 **Hours:** 4.00

Start Date: 04/19/06 **End Date:** 04/19/06 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BASIC COURSE INTENSIVE **Control No:** 00100 **Hours:** 111.00

Start Date: 10/31/05 **End Date:** 06/02/06 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0179-14 - 001347

Name: Sawyer,Jason C **Star: 1127** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]
Sergeant	Q 50	

Degree/Education	Issue Date	Year

POST Certifications		Issue Date	License #
BAS	Basic Certification	[redacted]	[redacted]
INT	Intermediate Certification	[redacted]	
ADV	Advanced Certification	[redacted]	
SUP	Supervisory Certification	[redacted]	

Course Summary

Title: LIMITED ENGLISH PROFICIENT PER **Control No:** RC2014 **Hours:** 0.00

Start Date: 01/01/14 **End Date:** 12/31/14 **Course Type:** Certification Required **Advised Date:** 27-FEB-2014

Comments:

Title: BIKE SAFETY VIDEO **Control No:** RC2014 **Hours:** 0.00

Start Date: 01/01/14 **End Date:** 12/31/14 **Course Type:** Certification Required **Advised Date:** 27-FEB-2014

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077 **Hours:** 3.00

Start Date: 12/31/13 **End Date:** 12/31/13 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 09/09/13 **End Date:** 09/12/13 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: BICYCLE PATROL 10 HOUR INTRO **Control No:** SF018 **Hours:** 10.00

Start Date: 07/26/13 **End Date:** 07/26/13 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: SMARTPHONE TRAINING -DEPT WIDE **Control No:** SF183 **Hours:** 3.00

Start Date: 07/17/13 **End Date:** 07/17/14 **Course Type:** Non_Certified **Advised Date:** 26-SEP-2013

Comments:

Title: 400-13 RADIO CODE 421 DVD **Control No:** RC2013 **Hours:** 1.00

Start Date: 07/02/13 **End Date:** 07/31/14 **Course Type:** Certification Required **Advised Date:** 16-JUL-2013

Comments:

Title: PURSUIT POLICY TRAINING 2013 **Control No:** PP007 **Hours:** 1.00

Start Date: 05/28/13 **End Date:** 06/30/14 **Course Type:** Certification Required **Advised Date:** 03-JUN-2013

Comments:

SFDPA - 0179-14 - 001349

Title: FIELD TRAINING OFFICER UPDATE **Control No:** 31715 **Hours:** 24.00

Start Date: 01/02/13 **End Date:** 01/04/13 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: 398-12 SYRINGE ACCESS AND DISP **Control No:** RC2012 **Hours:** 1.00

Start Date: 12/01/12 **End Date:** 12/01/13 **Course Type:** Certification Required **Advised Date:** 03-MAR-2013

Comments:

Title: 397-12 INDICATORS OF TERRORIST **Control No:** RC2012 **Hours:** 1.00

Start Date: 11/01/12 **End Date:** 11/30/13 **Course Type:** Certification Required **Advised Date:** 12-NOV-2012

Comments:

Title: 396-12 AMMONIA INHALANTS OCTOB **Control No:** RC2012 **Hours:** 1.00

Start Date: 09/25/12 **End Date:** 10/01/13 **Course Type:** Certification Required **Advised Date:** 26-OCT-2012

Comments:

Title: PURSUIT POLICY TRAINING 2012 (**Control No:** PP006 **Hours:** 1.00

Start Date: 05/15/12 **End Date:** 06/30/13 **Course Type:** Certification Required **Advised Date:** 07-JUN-2012

Comments:

Title: SABRE RED OC **Control No:** RC2011 **Hours:** 1.00

Start Date: 09/08/11 **End Date:** 09/08/12 **Course Type:** Non_Certified **Advised Date:** 14-DEC-2011

Comments:

SFDPA - 0179-14 - 001350

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 08/22/11 **End Date:** 08/25/11 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: FLASH-BANG INSTRUCTOR **Control No:** SF135 **Hours:** 8.00

Start Date: 05/24/11 **End Date:** 05/24/11 **Course Type:** Certification Required **School:** CTS Training Institute

Comments:

Title: FLASH-BANG INSTRUCTOR **Control No:** SF135 **Hours:** 8.00

Start Date: 05/24/11 **End Date:** 05/24/11 **Course Type:** Certification Required **School:** CTS Training Institute

Comments:

Title: PURSUIT POLICY 2011 **Control No:** PP005 **Hours:** 1.00

Start Date: 05/16/11 **End Date:** 05/16/12 **Course Type:** Certification Required **Advised Date:** 01-JUN-2011

Comments:

Title: 35-CAR OPERATIONS TRAINING UPD **Control No:** SF124 **Hours:** 2.00

Start Date: 03/16/11 **End Date:** 03/16/11 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: MISC. IN-SERVICE NS **Control No:** SF099 **Hours:** 48.00

Start Date: 02/07/11 **End Date:** 02/11/11 **Course Type:** Non_Certified **School:** SFPD

Comments: SWAT Team Leader Course CC # 1025-23030-10-003

SFDPA - 0179-14 - 001351

Title: PROMOTION OF CIVIL SIDE WALK O **Control No:** RC2011 **Hours:** 1.00

Start Date: 01/20/11 **End Date:** 01/20/12 **Course Type:** Non_Certified **Advised Date:** 02-FEB-2011

Comments:

Title: DSW PERSONAL PREPAREDNESS TRAI **Control No:** RC2010 **Hours:** 1.00

Start Date: 11/01/10 **End Date:** **Course Type:** Non_Certified **Advised Date:** 29-DEC-2010

Comments:

Title: PURSUIT POLICY TRAINING 2010 **Control No:** PP004 **Hours:** 1.00

Start Date: 06/30/10 **End Date:** 06/30/10 **Course Type:** Non_Certified **Advised Date:**

Comments:

Title: PRESUMPTIVE NARCOTICS TESTING **Control No:** SF094 **Hours:** 1.50

Start Date: 05/27/10 **End Date:** 05/27/10 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077 **Hours:** 3.00

Start Date: 12/02/09 **End Date:** 12/02/09 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 07/20/09 **End Date:** 07/23/09 **Course Type:** Certified Technical **School:** SFPD

Comments:

SFDPA - 0179-14 - 001352

Title: SUPERVISORY COURSE **Control No:** 00400 **Hours:** 80.00

Start Date: 02/18/08 **End Date:** 02/29/08 **Course Type:** Certified Technical **School:** South Bay Regional

Comments:

Title: FIELD TRAINING OFFICER UPDATE **Control No:** 31715 **Hours:** 24.00

Start Date: 11/13/07 **End Date:** 11/15/07 **Course Type:** Certified Technical **School:** --

Comments:

Title: BOOKING AND DETENTION **Control No:** 30787 **Hours:** 8.00

Start Date: 09/12/07 **End Date:** 09/12/07 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: SERGEANTS ORIENTATION **Control No:** SF013 **Hours:** 40.00

Start Date: 08/20/07 **End Date:** 08/24/07 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 03/19/07 **End Date:** 03/23/07 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: FIREARMS INSTRUCTOR UPDATE **Control No:** 21740 **Hours:** 24.00

Start Date: 02/28/06 **End Date:** 03/02/06 **Course Type:** Non_Certified **School:** --

Comments:

SFDPA - 0179-14 - 001353

Title: FROL WMD/HAZMAT **Control No:** SFPHST **Hours:** 20.00

Start Date: 11/29/04 **End Date:** 11/30/04 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: CAL-PHOTO **Control No:** SF001 **Hours:** 1.00

Start Date: 09/08/04 **End Date:** 09/08/04 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: ARREST & CONTROL/TACTICAL COMM **Control No:** 29508 **Hours:** 6.00

Start Date: 05/22/04 **End Date:** 05/22/04 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: ELDER ABUSE TELECOURSE 01-08 **Control No:** 30000 **Hours:** 2.00

Start Date: 05/21/04 **End Date:** 05/21/04 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: DRIVING/FORCE OPTIONS COMBO **Control No:** 20005 **Hours:** 8.00

Start Date: 05/20/04 **End Date:** 05/20/04 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 24.00

Start Date: 05/17/04 **End Date:** 05/19/04 **Course Type:** Certified Technical **School:** SFPD

Comments:

SFDPA - 0179-14 - 001354

Title: EXTENDED RANGE IMPACT WEAPONS **Control No:** SFPERW **Hours:** 4.00

Start Date: 04/12/04 **End Date:** 04/12/04 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: RACIAL PROFILING **Control No:** 23282 **Hours:** 5.00

Start Date: 11/03/03 **End Date:** 11/03/03 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: FATS **Control No:** SFPHST **Hours:** 1.50

Start Date: 04/27/03 **End Date:** 04/27/03 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: TACTICAL RESPONSE SCHOOL/COMMU **Control No:** 22289 **Hours:** 10.00

Start Date: 11/27/02 **End Date:** 11/27/02 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: WRAP **Control No:** SFPHST **Hours:** 1.00

Start Date: 01/14/02 **End Date:** 01/14/02 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: DRIVING/FORCE OPTIONS COMBO **Control No:** 20005 **Hours:** 8.00

Start Date: 10/18/01 **End Date:** 10/18/01 **Course Type:** Certified Technical **School:** SFPD

Comments:

SFDPA - 0179-14 - 001355

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 24.00

Start Date: 10/15/01 **End Date:** 10/17/01 **Course Type:** Certified Technical **School:** SFPD

Comments: Includes 4 hours each non certified Arrest & Control Evaluations and Updates/Tactical Communications (10/18-19/01)

Title: ELECTRONIC SURVEILLANCE **Control No:** SFPHST **Hours:** 3.00

Start Date: 08/14/01 **End Date:** 08/14/01 **Course Type:** Certification Required **School:** SFPD

Comments: 35 car meeting

Title: TACTICAL FIREARMS **Control No:** SFPHST **Hours:** 70.00

Start Date: 07/17/01 **End Date:** 07/26/01 **Course Type:** Certification Required **School:** SFPD

Comments: Tactical Handgun, MP5, HK53, Less Lethal Munitions

Title: BASIC SWAT **Control No:** SFPHST **Hours:** 40.00

Start Date: 07/09/01 **End Date:** 07/12/01 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: MEGAN'S LAW **Control No:** SFPHST **Hours:** 2.00

Start Date: 06/13/01 **End Date:** 06/13/01 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: A50 STEP PROGRAM **Control No:** SFPHST **Hours:** 0.00

Start Date: 05/09/00 **End Date:** 08/03/00 **Course Type:** Certification Required **School:** SFPD

Comments: Course Type = Non-Certified;Duration = 40 Hours;

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Title: FIELD TRAINING OFFICER **Control No:** SFPHST **Hours:** 0.00

Start Date: 04/10/00 **End Date:** 04/14/00 **Course Type:** Certification Required **School:** SFPD

Comments: Course Type = Certified Required;Duration = 40 Hours;Course Code = 2420-31725-99004

Title: TRANSGENDER AWARENESS **Control No:** SF004 **Hours:** 4.00

Start Date: 03/18/00 **End Date:** 03/18/00 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: FIREARMS TACTICAL RIFLE **Control No:** SFPHST **Hours:** 0.00

Start Date: 11/08/99 **End Date:** 11/10/99 **Course Type:** Certification Required **School:** SFPD

Comments: Course Type = Certified Technical;Duration = 24 Hours;Course Code = 2420-32075-99001

Title: ADVANCED OFFICER **Control No:** SFPHST **Hours:** 0.00

Start Date: 06/07/99 **End Date:** 06/09/99 **Course Type:** Certification Required **School:** SFPD

Comments: Course Type = Certified Required;Duration = 32 Hours;

Title: FATS TRAINING **Control No:** SFPHST **Hours:** 0.00

Start Date: 02/10/99 **End Date:** 12/31/02 **Course Type:** Certification Required **School:** SFPD

Comments: Course Type = Non-Certified;Duration = 1 Hours;

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Title: DRUG INFLUENCE - 11550 H&S **Control No:** 22220 **Hours:** 36.00

Start Date: 03/30/98 **End Date:** 04/02/98 **Course Type:** Certified Technical **School:** SFPD

Comments: Course Type = Certified Technical;Duration = 36 Hours;

Title: TRAFFIC COLLISION INVESTIGATIO **Control No:** SFPHST **Hours:** 0.00

Start Date: 08/12/96 **End Date:** 08/16/96 **Course Type:** Certification Required **School:** SFPD

Comments: Course Type = Certified Technical;Duration = 40 Hours;

Title: FATS TRAINING **Control No:** SFPHST **Hours:** 0.00

Start Date: 05/30/96 **End Date:** 12/31/02 **Course Type:** Certification Required **School:** SFPD

Comments: Course Type = Non-Certified;Duration = 1 Hours;

End of Report

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Name: Schiff,Richard Henry **Star: 1968** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Date	Year

Course Summary

Title: SMARTPHONE TRAINING -DEPT WIDE **Control No:** SF183 **Hours:** 3.00

Start Date: 07/17/13 **End Date:** 07/17/14 **Course Type:** Non_Certified **Advised Date:** 31-DEC-2013

Comments:

End of Report

SFDPA - 0179-14 - 001359

NAME SAWYER, JASON C. [redacted] SEPARATION #

SOCIAL SECURITY # [redacted] EMPLOYEE # SEX / RACE M-1 B/L YES

SEPARATION REASON SEP. DATE ANNIV. DATE: 6/26/95 DEPT. SEN. DATE:

CLASS	CP DATE	SW DATE	REQ #	P.C. #	CSC LIST / RANK	STATUS
Q-2	[redacted]					PERM
Q-4						NewReq#
Q-50 Q-52						Promotion Post ADV
						New Agt #

ASSIGNMENTS

DATE	UNIT
6/26/95	ACADEMY
12-6-95	Co. B
04-20-96	Co. B
10-05-96	TTF
01-25-97	Co. B
5-12-01	Crime Prev Tactical
8-25-07	Central
	Tactical
10/18/08	Med. Lia
01/07/09	TACTICAL

ADDRESS [redacted] CITY ZIP TELEPHONE ( )

NAME SAWYER, JASON C. STAR / ID 1127 PHOTO #

ASSIGNMENTS

DATE	UNIT
01/09/09	CENTRAL
01/10/09	TACTICAL
06/11/11	Airport Bu.
09/03/11 06/23/12	Tactical Co. Ingleside

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NAME	D.O.B.	SEPARATION #	ASSIGNMENTS	
SCHIFF, RICHARD	[redacted]		DATE	UNIT
SOCIAL SECURITY #	EMPLOYEE #	SEX / RACE	B/L	
	[redacted]	M/1		5/28/13 ACADEMY
SEPARATION REASON	SEP. DATE	ANNIV. DATE: 5/28/13 DEPT. SEN. DATE:		12/28/13 Ingleside

CLASS	CP DATE	S W DATE	REQ #	P.C. #	CSC LIST / RANK	STATUS
Q-002	[redacted]	[redacted]	[redacted]		[redacted]	PERM

ADDRESS	CITY	ZIP	TELEPHONE

NAME	STAR / ID	PHOTO #
SCHIFF, RICHARD	1968	

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NAME	D.O.B.	SEPARATION #	ASSIGNMENTS
CHEW, NATHAN L.	[redacted]		DATE / UNIT
SOCIAL SECURITY #	EMPLOYEE #	SEX / RACE / B/L	9/24/07 ACADEMY
		M-4 N/A	
SEPARATION REASON	SEP. DATE	ANNIV. DATE: 9/24/07 DEPT. SEN. DATE:	4-26-08 Southern

CLASS	CP DATE	S W DATE	REQ #	P.C. #	CSC LIST / RANK	STATUS	09-13-08 Ingleside
Q-2	[redacted]	[redacted]	[redacted]		[redacted]	89/E125 PERM	

ADDRESS	CITY	ZIP	TELEPHONE
[redacted]	[redacted]	[redacted]	([redacted]

NAME	STAR / ID	PHOTO #
CHEW, NATHAN L.	2088	

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NAME MORSE, ROGER C. [redacted] SEPARATION #

SOCIAL SECURITY # [redacted] EMPLOYEE # SEX / RACE M-1 B/L N/A

SEPARATION REASON SEP. DATE ANNIV. DATE: 10/31/05 DEPT. SEN. DATE:

CLASS	CP DATE	SW DATE	REQ #	P.C. #	CSC LIST / RANK	STATUS
Q-2	[redacted]	[redacted]	[redacted]		[redacted]	PERM
Q-3		[redacted]				POSCHG

ASSIGNMENTS

DATE	UNIT
10/31/05	ACADEMY
6-3-06	Mission
11-18-06	Tenderloin
11-17-07	Ingleside

ADDRESS [redacted] CITY [redacted] ZIP [redacted] TELEPHONE ( ) [redacted]

NAME MORSE, ROGER C. STAR / ID 1923 PHOTO #

SFDPA - 0179-14 - 001363

Case# 2014-0292

MEDICAL EXAMINER'S REGISTER

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

Name: NIETO, ALEJANDRO

Alias: DOE #24, JOHN

ADDRESS: [redacted] SAN FRANCISCO [redacted] [redacted]

DATE OF DEATH: 03/21/2014 TIME: 7:30 PM REPORTED BY: MEDIC 98 MENDOZA

DATE OF REPORT 03/21/2014 TIME: 7:38 PM REPORTED PHONE: 415-558-3291

PLACE OF DEATH: BERNAL HEIGHTS PARK ZIP:

TYPE OF CASE: OFFICER INVOLV DATE AND TIME OF INCIDENT: 03/21/2014 7:20 PM

PLACE OF INCIDENT: BERNAL HEIGHTS PARK ZIP: 94110

NEXT OF KIN: DATE NOTIFIED 03/22/2014

BIRTHDATE: [redacted] AGE: 28 SS# SEX: MALE RACE WHITE HISPA

RECEIVED AT MEDICAL EXAMINER: 03/21/2014 TIME: 11:56 PM

RELEASED TO: [redacted] FUNERAL DIRECTOR

RELEASED DATE: 03/28/2014 TIME: 15:22

RECEIVED BY: CLOTHING RECEIVED: NO

RELEASE SIGNED BY RELATIONSHIP: BROTHER

POUCH: YES RESIDENCE SEALED:NO

PROPERTY LISTING		INITIALS	EVIDENCE LISTING		INITIALS
1	HAND CUFFS	(evid)	1	BROKEN PAIR OF GLASS	( )
1	KEY	(evid)	1	HAT	( )
0	MISC. PAPERS	(evid)	1	LEFT GSR STUB	( )
410	US COIN	(RN)	1	PCR SHEET	( )
118	US DOLLARS	(RN)	1	RIGHT GSR STUB	( )
			1	SEAL#22860	( )

VERIFIED BY: MN DATE: 3/24/2014

PUBLIC ADMINISTRATOR: DATE NOTIFIED:

PLACED IN BOX #: 537 RECEIVED AMOUNT: $122.10 CHECK#: 7487

RECEIVED BY: RELATIONSHIP: DATE/TIME:

RECEIVED BY: RELATIONSHIP: DATE/TIME:

BODY SEARCHED BY: FELIPE FERNANDEZ #1 AT: LIMITED AT SCENE

PREMISES SEARCHED BY: NOT SEARCHED AT:

PREMISES SEALED BY: NOT SEARCHED DATE:

EXAMINATION: PERFORMED BY: HART M.D.

EVIDENCE DISPOSITION:

INVESTIGATORS: FELIPE FERNANDEZ #113 MARK POWNING #119

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF THE ORIGINAL.

9-11-2014

SFDPA - 0179-14 - 001364

Case#:	2014-0292					Status:	CLOSED
Name:	NIETO	ALEJANDRO	alias:	DOE #24	JOHN		

Police Notified	YES		
Police_Office:	SAN FRANCISCO POL	Police_At_Scene:	YES
Police_Officer:	DILAG #173	Officer:	DILAG #173
		Station:	INGLESIDE
Homicide_Office:	YES	SFPD_Case#:	140-240-512
Homicide Officer:	BONNER/CAGNE	AIB_or_HR_Notified:	
Notification Date:	03/21/2014	Date:	
Notification Time:	21:00	AIB_Officer:	
		Nature:	

Fingerprints_Taken:	YES	Palmprints_Taken:	YES				
Taken_By:	JF #125 (1 SET)+EP						
Taken Date:	03/22/2014						
To_SFPD_Date:	03/22/2014	Match:	N	Match#:			
To_CII_Date:	03/22/2014	Match:	Y	Match#:	[redacted]		
To_FBI_Date:	03/22/2014	Match:	N	Match#:			
Photos_Date:		Taken_By:	PC 187				

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Case#: 2014-0292

MEDICAL EXAMINER / INVESTIGATOR'S REPORT

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

NAME: NIETO ALEJANDRO **Date/Time of Death:** 03/21/2014 7:30 PM

PLACE OF DEATH BERNAL HEIGHTS PARK **Age:** 28 **Sex:** MALE **Ht:** 5'11" **Wt:** 202 **Race:** WHITE HISPANIC

POLICE NOTIFIED	POLICE STATION NOTIFIED	POLICE OFFICER
YES	SAN FRANCISCO POLICE DE	DILAG #173

HOMICIDE NOTIFIED	DATE	TIME	HOMICIDE OFFICER
YES	03/21/2014	9:00:00 PM	BONNER/CAGNEY/BURKE

MARITAL STATUS: SINGLE

IDENTIFIED BY: CII FINGERPRINT COMPARIS **AT:** SFPD IDENTIFICA **DATE:** 03/22/2014

FINGERPRINTS TAKEN	PALMPRINTS	PRINTS TAKEN BY	DATE
YES	YES	JF #125 (1 SET)+EP	03/22/2014

TO SFPD DATE: 03/22/2014 **TO CII DATE:** 03/22/2014

SFPD MATCH: N **SFPD MATCH#:** **CII MATCH:** Y **CII MATCH#:** [redacted]

TO FBI DATE: 03/22/2014 **PHOTOS DATE:**

FBI MATCH: N **FBI MATCH#:** **TAKEN BY:** PC 187

POLICE AT SCENE	AT SCENE OFFICER	POLICE STATION
YES	DILAG #173	INGLESIDE

SFPD CASE#: 140-240-512

AIB or HR NOTIFIED: **AIB DATE:**

AIB OFFICER: **NATURE:**

CASE HISTORY

This +/- 30-year-old male has no confirmed address or known place of residency. He was shot by police officers after brandishing and apparently discharging a Taser in Bernal Heights Park.

Preliminary information used to compile this report was obtained by interview with multiple officers on-scene and through a scene investigation.

At approximately 1915 hours on 03/21/2014, the San Francisco Police Department received a report of a man with a gun at Bernal Heights Park. Multiple police officers responded to an access road on the north side of the park where they confronted the subject. The subject reportedly brandished and discharged a Taser at the officers who shot the subject numerous times. The subject was then placed in handcuffs. Paramedics arrived to the scene and determined the subject deceased at 1930 hours on 03/21/2014. This Office was notified by SFFD-Paramedic Mendoza at 1938 hours same date.

Investigation at the scene revealed the subject to be lying supine at the aforementioned location. Numerous personal belongings were surrounding the handcuffed subject, including glasses, a hat, multiple canisters of apparent pepper spray and a discharged Taser, noted approximately 10 feet away. East of the subject's position were two parked police cars. Near the cars were multiple expended 40 caliber shells.

External examination of the warm, flaccid remains revealed the subject to be clad in street clothing that exhibited multiple defects. A pair of handcuffs was noted in the left back pocket of his

Case#: 2014-0292

MEDICAL EXAMINER / INVESTIGATOR'S REPORT

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

pants. His shirt was pulled up, exposing his trunk. Obvious defects were noted about the head, back, and extremities. Lividity was not discernable. The handcuffs were removed from the subject and gunshot residue samples of both hands were taken. The hands were then placed in new paper bags before the remains were sealed in the pouch (#22860) and transported back to the office for identification and further examination.

Dr. Hart responded to the scene as did investigators from the OCC, SFPD Internal Affairs, SFPD Homicide, and the SF District Attorney's Office.

INVESTIGATOR: FELIPE FERNANDEZ #113 MARK POWNING #119

Case#: 2014-0292 Status: CLOSED

Name: NIETO | ALEJANDRO alias: DOE #24 | JOHN

Date: 03/22/2014
Time: 12:40
Contact_Person: SFPD Identification Bureau
Contact_Phone: 553-1415

Comments:

On the above listed date and time, the subject was positively identified by fingerprint comparison with CII record # [redacted] The comparison was performed by Technician Schwartz of the SFPD Identification Bureau.

Investigator: JAMES FIORICA #125

Date: 03/24/2014
Time: 11:04
Contact_Person:
Contact_Phone:

Comments:

On the above listed date and time, Investigators A. Hellman and Nagayo received $6 US dollars, $4.10 in US coins, 1 key, miscellaneous papers, and handcuffs from Dr. Amy Hart, who discovered the item on research during examination. The case's Property List was updated to reflect the found items.

Investigator: MARK NAGAYO

Case#: 2014-0292 Status: CLOSED

Name: NIETO | ALEJANDRO | alias: DOE #24 | JOHN

Date: 03/24/2014
Time: 14:42
Contact_Person:
Contact_Phone:
Comments:

Faxed medical records received from San Francisco General Hospital revealed [redacted]

Investigator: MARK NAGAYO

Date: 04/02/2014
Time: 14:41
Contact_Person: SFPD ID BUREUA
Contact_Phone:
Comments:

FINGERPRINT PROCESSING IS PENDING: THE DECEDENT'S FINGERPRINTS WERE DELIVERED TO SPFD ID BUREAU, NO RESPONSE AT THIS TIME.

ACTION: Identity was confirmed with prints on file with CII [MS 5/9/2014].

Investigator: OCTAVIO JIMENEZ

Case#: 2014-0292 Status: CLOSED

Name: NIETO | ALEJANDRO alias: DOE #24 | JOHN

Date: 04/03/2014
Time: 16:03
Contact_Person:
Contact_Phone:
Comments:

73 DIGITAL IMAGES AND 73 PRINTS REVIEWED. CD AND PRINTS PLACED INTO DR. HART'S BOX.

4 additional digital images and 4 additional prints reviewed. CD and prints placed into Dr. Hart's box. 4/18/2014 TC

Investigator: ANTHONY MARCHINI

Date: 04/07/2014
Time: 10:20
Contact_Person:
Contact_Phone:
Comments:

Insp. Cagney authorized release of money only.

Investigator: SUSAN M. KELLER

Case#: 2014-0292 Status: CLOSED

Name: NIETO | ALEJANDRO alias: DOE #24 | JOHN

Date: 09/10/2014

Time: 8:35

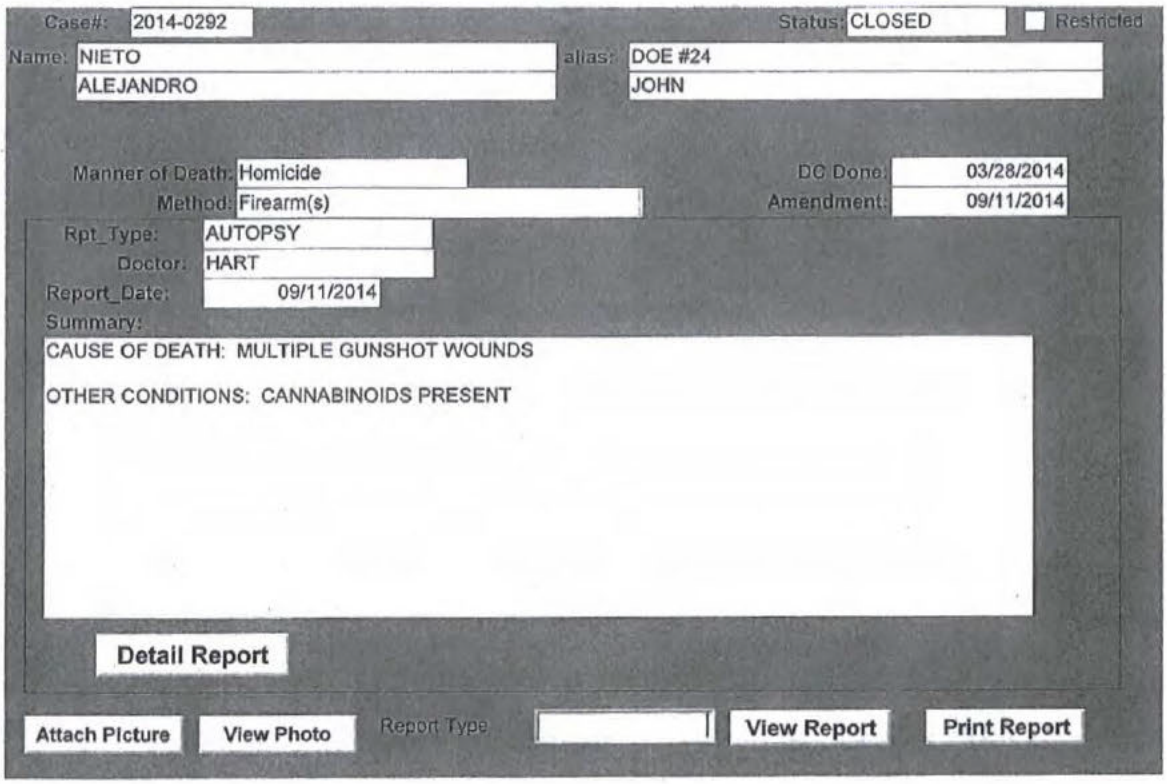
Contact_Person:

Contact_Phone:

Comments:

Dr. Hart put the property not released to the family in evidence.

Investigator: SUSAN M. KELLER



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CITY AND COUNTY OF SAN FRANCISCO

Office of the Chief Medical Examiner
Medical Division

Case No. **2014-0292**

Name: **NIETO, ALEJANDRO** Date & Time of Necropsy: **March 22, 2014 0900 Hours**
AKA: **DOE #24, JOHN**

Age: **28** Height: **5′ 11″** Weight: **202 lbs.**

PRELIMINARY EXAMINATION: The body is received in a sealed (#22860) white plastic pouch, which is opened on 03/22/14 at 0900 hours by Amy P. Hart, M.D., Chief Medical Examiner, Greg B. Pizarro, M.D., Assistant Medical Examiner, and Jerry Wedrychowski, Forensic Autopsy Technician. The body was identified by a Medical Examiner's tag labeled: "No.: 2014-0292, Name: John Doe #24, From: Bernal Heights Park, Race: W/H, Sex: M, Age: +/- 30, Weight: 202, Height: 5' 11", Hair: Blk, Eyes: Brown. The Medical Examiner's identification label is first attached to the pouch, then later placed on the left shoe before undressing. After undressing, the ID label is placed on the decedent's left great toe. The decedent is originally identified as "John Doe #24," and is later identified as "Alejandro Nieto" (date of birth: [redacted]) by fingerprint comparison.

The autopsy is started on March 22, 2014, and is completed on April 17, 2014 with the uploading of the final photographs.

When first viewed, the decedent is clad in the usual fashion in a red jacket, white T-shirt, dark jeans with two (2) belts (inner, black leather-like; outer, tan with black abstract pattern), two (2) white-gray socks, two (2) black boots, boxer-style underwear, and a hard black plastic "Taser-International" holster attached to the right side of the outer belt. The jacket, T-shirt, jeans, and boxer-style underwear are bloodstained. Accompanying the body is a black, gray, and white baseball cap-type hat, a large manila envelope containing sunglasses, and a gunshot residue kit. There are brown paper bags covering the hands and secured around the wrists with tie wraps. The jacket, T-shirt, jeans, sunglasses, and hat are described further under "Evidence of Injury." The hand bags are labeled "R" on the right hand bag and "L" on the hand bag covering the left hand. The hand bags are removed and retained as Evidence. The gunshot residue kit is retained as Evidence. The clothing, shoes, holster, baseball cap, and sunglasses are retained as Evidence. Bone and teeth fragments are received from the scene and are retained as Evidence. An apparent bone fragment is found in the left, front pocket of the jacket and is retained as Evidence.

In the left front pocket of the jeans are two (2) dollars and ten (10) cents in United States coins. In the right front pocket of the jeans are one key, matches, and miscellaneous papers and two (2) dollars in United States coins. In the left back pocket of the jeans are a pair of handcuffs and six (6) U.S. dollars in currency. The money, handcuffs, key, matches, and miscellaneous papers are submitted as Personal Effects to Property.

Examination of the hands after the hand bags are removed shows no visible signs of soot, gunpowder particles, or stippling. The fingernails are trimmed at the tips of the fingers. The fingernails are intact and there is no evidence of tissue or fiber on or around the fingernails.

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The right and left fingernails are collected separately and retained as Evidence. The fingernail clippers (right and left) are retained separately as Evidence.

EXTERNAL EXAMINATION: The head, torso, upper extremities, and lower extremities are described further under "Evidence of Injury." The body is otherwise of a well-developed, well-nourished, muscular, moderately hirsute, white-Hispanic man, whose appearance is compatible with the reported age of 28 years.

The body is cool, following refrigeration. Rigor mortis is marked. There is fixed, red lividity in the posterior areas of the body, except in those areas exposed to pressure. There is no evidence of decomposition, embalming, or organ donation. The face and head are otherwise symmetrical. The scalp hair is black, straight, and measures up to 1/4 inch in length. The eyes are brown and the pupils are equally dilated, measuring approximately 0.5 cm in diameter each. The corneas are slightly clouded. The sclerae and conjunctivae are otherwise unremarkable. The eyelids are otherwise unremarkable. The pupils are equally dilated at 0.5 cm. The ears are bilaterally symmetrical and otherwise unremarkable, with no piercings. There is a 1/4-inch in greatest length, black mustache and a 3/4-inch in greatest length beard. The teeth are apparently natural and are described further under "Evidence of Injury." The sclerae and conjunctivae are unremarkable, except as noted under "Evidence of Injury."

The neck is symmetrical and the trachea is palpable in the midline. There are no visible or palpable lesions of the neck. Except as described under "Evidence of Injury," the thorax and abdomen are otherwise well developed and symmetrical. The abdomen is flat. The external genitalia are those of an uncircumcised adult male. The testes are bilaterally palpable in the scrotum. Except as described under "Evidence of Injury," the posterior body surfaces are otherwise symmetrical and unremarkable. The anus is patent and unremarkable.

The upper and lower extremities are described further under "Evidence of Injury." The forearms and upper arms are otherwise bilaterally symmetrical. The hands, fingers, fingernails, feet, toes and toenails are otherwise intact and unremarkable. The lower extremities are otherwise bilaterally symmetrical and intact.

The posterior body surfaces are described further under "Evidence of Injury." The posterior body surfaces are otherwise bilaterally symmetrical and unremarkable.

EVIDENCE OF MEDICAL THERAPY: There are three (3) electrocardiographic monitoring electrodes on the anterior torso.

IDENTIFYING MARKS AND SCARS: On the outer aspect of the left ear, at the level of the external auditory meatus, is a 1/2-inch in greatest dimension, well healed scar. On the right side of the abdomen are two (2) separate healing abrasions measuring up to 3/8 of an

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inch in greatest dimension. On the front of the right shin, just below the right knee, is a 3-inch, vertically oriented, well healed scar.

EVIDENCE OF INJURY: There is dried, red blood covering the face and hands. There are at least fourteen (14) distant gunshot wounds of the head, torso, upper extremities, and lower extremities, with eighteen (18) envelopes containing bullets' individual fragments, or groups of fragments recovered from the body, from the T-shirt and the autopsy table. The fourth and fifth gunshot wounds have intersecting paths and have three (3) apparent bullet-like projectiles found in the intersecting tracks. The three (3) bullet-like projectiles may have been caused by a tandem bullet entering one of the gunshot wound entrances, or a second bullet entering the body through an existing entrance gunshot wound in one of the gunshot entrances. Therefore, the total number of gunshot wounds to the decedent's body may be as few as fourteen (14) or as many as fifteen (15). The gunshot wounds described may have been created by as few as ten (10) bullets due to the ability to align the injuries in the upper extremities with injuries of the head, torso, lower extremities, or with each other.

The directions are stated with reference to the standard anatomical planes, with the body measured in the horizontal position. There are cutaneous contusions and abrasions of the left side of the face, left arm, and bilateral lower extremities.

These gunshot wound and blunt trauma injuries are labeled by letters and numbers for descriptive purposes only; no sequence is implied. The capital letters in parentheses correspond to wound labeling in the photographs.

A. PENETRATING GUNSHOT WOUND OF LEFT SIDE OF FOREHEAD:

1. ENTRANCE: An entrance gunshot wound (A) of the left side of the forehead is located approximately 3 inches below the top of the head and 3 inches left of the anterior mid line. It is an irregular defect, with skin tags pointing towards the top of the head and measuring 2 inches x 3/4 inches overall. No soot, gunpowder particles, or stippling are visible on the skin adjacent to this entrance gunshot wound. The hat (baseball cap) that was received with the body from the scene has a frayed defect on the upper left side of the hat. If the hat was worn with the bill of the hat facing forward, this defect would correspond in location to this entrance gunshot wound. There is bloodstaining and apparent brain matter on the hat. No soot, searing, or gunpowder particles are visible on the fabric surrounding the frayed defect of the hat (baseball cap).

2. PATH: After perforating the skin, the bullet creates a focally inward and focally outward, beveled, oblong defect, which measures approximately 3/8 of an inch wide and 1-1/4 inch in length. The inwardly beveled component portion of the defect is located superiorly and the outwardly beveled portion is located inferiorly. Surrounding this defect of

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the skull are an approximately 3 inches in greatest dimension area of subscalpular and subgaleal hemorrhage. Internally, there is fracture of the left zygomatic arch and a comminuted fracture of the left middle cranial fossa. There are bilateral petrous bone hemorrhages. There is an area of subarachnoid hemorrhage on the left lateral frontal lobe. The bullet track, which grazes and fractures the skull, does not enter the cranial cavity. The bullet then travels beneath the skin, entering the soft tissue of the left side of the neck, creating moderate hemorrhagic tissue destruction along the bullet track and a laceration of the trachea. It is not possible to determine whether the impact of the bullet with the skull deflects or changes the path of the bullet. No gunpowder residue is visible along the hemorrhagic wound track.

3. SITE OF LODGEMENT: The site of lodgement is in the soft tissue of the left side of the neck, behind the medial left clavicle. The bullet is retained as Evidence.

4. DIRECTION: The direction of this bullet is downward, neither front nor back, nor right nor left.

B. PENETRATING GUNSHOT WOUND OF RIGHT UPPER LIP:

1. ENTRANCE: The entrance gunshot wound (B) of the upper right lip is located approximately 6 inches below the top of the head 3/4 of an inch right of the anterior midline. It is a 1/2-inch x 1/4-inch, oval defect with radiating lacerations measuring up to 1/4 inch in greatest length. The entrance gunshot wound is surrounded by an eccentric red marginal abrasion, which is widest medially, measuring up to 1/4 inch in greatest dimension. No soot, gunpowder particles, or stippling are visible on the skin surrounding this entrance gunshot wound. There is no clothing corresponding in location to the site of this entrance gunshot wound.

2. PATH: After perforating the skin and soft tissues of the left upper lip, the bullet enters the oral cavity and fractures the right side of the mandible and upper and lower right-sided teeth. The bullet track may have been deflected or changed after impact with bone and teeth. No gunpowder residue is visible along the hemorrhagic wound track. There is moderate tissue destruction along the bullet track.

3. SITE OF LODGEMENT: Five (5) bullet fragments are recovered from the mouth, located in the right side of the mandible and intermixed with the teeth in the mouth; one (1) bullet fragment from the right side of the tongue; and two (2) bullet fragments from the top of the esophagus. NOTE: The bullet fragment on the table near the head and the bullet from under the chin, which was resting on the T-shirt, may represent projectiles associated with the gunshot wound of the upper right lip.

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4. BULLET FRAGMENTS: Five (5) bullet fragments are recovered from the mouth, located in the right side of the mandible, right side of the tongue, top of the esophagus, and intermixed with the teeth in the mouth. The five (5) bullet fragments are retained as Evidence. The bullet from the T-shirt and the bullet fragment from the autopsy table are retained as Evidence. The removed fractured teeth are retained in Pathology.

5. DIRECTION: The direction of this bullet is from the decedent's front to back, and downward.

C. PENETRATING GUNSHOT WOUND OF LEFT SIDE OF CHEST:

1. ENTRANCE: An entrance gunshot wound (E) of the left side of the chest is located approximately 10-1/2 inches below the top of the head and 4-1/2 inches left of the anterior midline. It is a 1-inch x 5/8-inch, oval defect with red marginal abrasion, superior and laterally, measuring up to 1/4 inch wide. The entrance gunshot wound is associated with an approximately 2-inch in greatest dimension, red contusion primarily at the medial aspect of the entrance gunshot wound. No soot, gunpowder particles, or stippling are visible on the skin surrounding this entrance gunshot wound. There are defects in the upper left side of the front of the white T-shirt and red jacket corresponding to the approximate location of this entrance gunshot wound. No soot or gunpowder particles are visible on the surfaces of the T-shirt or jacket in the areas surrounding these defects.

2. PATH: After perforating the skin and soft tissue of the left side of the chest, the bullet enters the left chest cavity and perforates the left lung and left diaphragm, fracturing the left posterior 12th rib and penetrating the soft tissue posterior to the left side of the pelvic bone at the level of the pelvic diaphragm or pelvic bowl. No powder residue is visible along the hemorrhagic wound track. There is moderate hemorrhagic tissue destruction along the bullet track.

3. SITE OF LODGEMENT: See "Path" above (C.2.).

4. BULLET: The bullet is minimally deformed and copper-colored. The bullet is retained as Evidence.

5. DIRECTION: The direction of this bullet is from the decedent's front to back, and downward.

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D & E: PENETRATING GUNSHOT WOUNDS OF BACK OF LEFT SHOULDER AND LEFT UPPER ARM:

1. ENTRANCES: The entrances of these gunshot wounds are described together due to intersecting internal wound paths.

An entrance gunshot wound of the back of the left shoulder (C) is located approximately 9 inches below the top of the head and 7-1/2 inches left of the posterior midline. It is a 1/2-inch x 1/4-inch, oval defect, with red marginal abrasion, widest anteriorly and laterally, measuring 1/16 of an inch in greatest width. No soot, gunpowder particles, or stippling are visible in the skin adjacent to this entrance gunshot wound. The T-shirt and jacket have perforations corresponding in location to this entrance gunshot wound. No soot or gunpowder particles are visible on the fabric surrounding this defect.

An entrance gunshot wound of the upper left arm (F) is located approximately10 inches below the top of the head and 9 inches left of the anterior midline. It is a 1/2-inch in diameter, round defect encircled by a circumferential 1/16-inch wide, red marginal abrasion. No soot, gunpowder particles, or stippling are visible on the skin surrounding this entrance gunshot wound. The corresponding T-shirt and jacket have perforations corresponding in location to the site of this entrance gunshot wound. No soot or gunpowder particles are visible on the fabric surrounding this defect.

2. PATHS: After perforating the skin and soft tissue, the bullets form intersecting hemorrhagic wound tracks, which show moderate tissue destruction. No powder residue is visible in the intersecting wound tracks.

3. SITES OF LODGEMENT: The sites of lodgment of these bullets (including R) are located in the hemorrhagic soft tissue and superior portion of the acutely fractured left humerus.

4. BULLETS: The bullets appear to number three (3) and do not have evidence of surface oxidation or fibrous tissue growth surrounding any of the bullets. These three (3) bullet fragments appear to be consistent with three (3) separate bullets. They may represent two (2) gunshot wounds created by three (3) bullets due to the entrance of two (2) bullets through a single entrance, or due to tandem bullets being fired from a single gunshot. The bullets are labeled "Bullet from the upper left back of shoulder," "Bullet jacket fragments (3) from the left shoulder, lateral," and "Bullet fragment from left shoulder."

5. DIRECTION: The general direction of these bullets is from the decedent's head to toe, or downward. Because of the intersecting paths of the bullets, it is not possible to determine

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whether the paths of the bullet or bullets are deflected or changed after perforation of the left humerus.

F. PENETRATING GUNSHOT WOUND OF UPPER LEFT ARM:

1. ENTRANCE: An entrance gunshot wound of the upper left arm (G) is located approximately 10-1/2 inches below the top of the head and 8-1/2 inches left of the anterior midline. It is a 1/2-inch x 9/16-inch, oval defect, with a red marginal abrasion widest laterally, measuring up to 1/4 inch in greatest width. No soot, gunpowder particles, or stippling are visible in the skin surrounding this entrance gunshot wound. The overlying clothing (T-shirt and jacket) has perforations corresponding in location to the site of this entrance gunshot wound. No soot or gunpowder particles are visible on the fabric surrounding the defects.

2. PATH: After perforating the skin and soft tissues of the upper left arm, the bullet enters the apex of the left pleural cavity and perforates the left lung. There are 750 ml of blood in the left pleural cavity. There are 750 ml of blood in the left pleural cavity. No powder residue is visible along the hemorrhagic wound track. There is moderate hemorrhagic tissue destruction along the bullet track.

3. SITE OF LODGEMENT: The site of lodgement of this bullet is in the left pleural cavity. NOTE: Two (2) bullets are located in the left pleural cavity. It is not possible to determine which of the two (2) bullets came from the gunshot wound to the left upper arm or the upper left side of the chest (see G below).

4. BULLET: The bullet is submitted to Evidence as one of two (2) bullets from the left pleural cavity.

5. DIRECTION: The direction of this bullet is from the decedent's left to right, front to back, and neither up nor down.

G. PENETRATING GUNSHOT WOUND OF UPPER LEFT SIDE OF CHEST:

1. ENTRANCE: An entrance gunshot wound of the upper left side of the chest, near the left armpit (H), is located approximately 12 inches below the top of the head and 6 inches left of the anterior midline. It is an irregular, 3/4-inch x 1/2-inch defect, surrounded by an up to 1/4-inch wide red marginal abrasion, widest superiorly and laterally. The entrance gunshot wound is centered within an approximately 1-inch in diameter red contusion. No soot, gunpowder particles, or stippling are visible in the skin surrounding this entrance gunshot wound. The overlying clothing (T-shirt and jacket) has defects corresponding in location to

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the site of this entrance gunshot wound. No soot or gunpowder particles are visible on the fabric surrounding this defect.

2. PATH: After perforating the skin and soft tissues of the anterior left side of the chest, the bullet perforates the left 3rd intercostal space at the mid clavicular level and perforates the left lung. There are 750 ml of blood in the left pleural cavity. No powder residue is visible along the hemorrhagic wound track that shows moderate tissue destruction.

3. SITE OF LODGEMENT: The site of lodgement of this bullet is within the left pleural cavity. This bullet represents one of two bullets that are found in the left pleural cavity. (See F.3. above.)

4. BULLET: The bullet is submitted as Evidence as one of two (2) bullets from the left pleural cavity.

5. DIRECTION: The direction of this bullet is from the decedent's front to back, left to right, and downward.

H. PENETRATING GUNSHOT WOUND OF RIGHT UPPER ARM:

1. ENTRANCE: An entrance gunshot wound of the right upper arm (D) is located approximately 10 inches below the top of the head and 9 inches right of the anterior midline. It is a 1/2-inch x 3/8-inch, oval defect, with an up to 1/8-inch wide, red marginal abrasion, widest anteriorly and medially. No soot, gunpowder particles, or stippling are visible on the skin surrounding this entrance gunshot wound. The overlying clothing (T-shirt and jacket) has defects corresponding to this location to this entrance gunshot wound. No soot or gunpowder particles are visible on the fabric surrounding these defects.

2. PATH: After perforating the skin and soft tissues of the right upper arm, the bullet fractures the right humerus. No powder residue is visible along the moderately destructive hemorrhagic wound track. After perforating the right humerus, the bullet path appears to be deflected.

3. SITES OF LODGEMENT: The sites of lodgment are within the soft tissue of the back at the level of the right scapula.

4. BULLET: The bullet is in two (2) fragments, which are submitted together to Evidence.

5. DIRECTION: The general direction of this bullet is from the decedent's right to left, front to back, and downward.

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I. PENETRATING GUNSHOT WOUND OF RIGHT SIDE OF CHEST:

1. ENTRANCE: An entrance gunshot wound of the right side of the chest (I) is located approximately 16 inches below the top of the head and 3 inches to the right of the anterior midline near the right nipple. It is an irregular, rectangular, 3/4-inch x 3/8-inch defect, centered within an irregular 1-inch x 3/4-inch, red marginal abrasion and 3-inch red contusion. No soot, gunpowder particles, or stippling are visible on the skin surrounding this entrance gunshot wound. The overlying clothing (T-shirt and jacket) has defects corresponding in location to the site of this entrance gunshot wound. No soot or gunpowder particles are visible on the fabric surrounding these defects.

2. PATH: After perforating the skin and soft tissues of the right side of the chest, the bullet enters the right side of the peritoneal cavity. No powder residue is visible along the hemorrhagic wound track. No hemorrhage is pooled in the peritoneal cavity. There is moderate tissue destruction along the bullet track. No internal structures or organs of the peritoneal cavity are penetrated or perforated.

3. SITE OF LODGEMENT: The site of lodgement of the bullet is in the peritoneal cavity.

4. BULLET: The copper-colored bullet is submitted to Evidence.

5. DIRECTION: The direction of this bullet is from the decedent's front to back, right to left, and downward.

J. PENETRATING GUNSHOT WOUND OF MID BACK:

1. ENTRANCE: An entrance gunshot wound of the mid back (Q) is located approximately 23-1/2 inches below the top of the head and on the posterior midline. It is a 3/8-inch in diameter round defect, with an eccentric red marginal abrasion ranging from 1/16 inch up to 1/8 inch wide, superiorly and towards the decedent's left. The entrance gunshot wound is centered within a 3/4-inch in diameter, red contusion. No soot, gunpowder particles, or stippling are visible on the skin surrounding this entrance gunshot wound. The overlying clothing (T-shirt and jacket) has defects corresponding in location to this entrance gunshot wound. No soot or gunpowder is visible on the fabric surrounding these defects.

2. PATH: After perforating the skin and soft tissues of the back, the bullet penetrates the L-3 vertebral body and transects the spinal cord at the level of the cauda equina. No gunpowder residue is visible along the hemorrhagic wound track, which shows moderate

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tissue destruction. The path of the bullet may have been changed after impact with the L-3 vertebral body.

3. **SITE OF LODGEMENT:** The site of lodgement is in the anterior L-3 vertebral body.

4. **BULLET:** The copper-colored bullet and a minute copper-colored jacket fragment are recovered and submitted together to Evidence.

5. **DIRECTION:** The apparent direction of this bullet is from the decedent's back to front, neither right nor left, and downward.

K. PERFORATING GUNSHOT WOUND OF LEFT FOREARM:

1. **ENTRANCE:** An entrance gunshot wound of the back of the left forearm (K) is located approximately 25-1/2 inches below the top of the head and 1 inch left of the posterior midline of the left forearm. It is a 1/2-inch in diameter, round defect, surrounding by a circumferential 1/16-inch wide, red marginal abrasion. No soot, gunpowder particles, or stippling are visible on the skin surrounding this entrance gunshot wound. The overlying clothing (jacket) has a defect corresponding in location to this entrance gunshot wound. No soot or gunpowder particles are visible on the fabric surrounding this defect.

2. **PATH:** After perforating the skin and the soft tissues of the left forearm, the bullet fractures the left radius and ulna. Powder residue is not visible along the hemorrhagic wound track, which demonstrates moderate tissue destruction. Deflection or change of the path of the bullet after impact with the bones cannot be determined.

3. **EXIT WOUND:** The exit wound (J) is located on the front of the left forearm, 24-1/2 inches below the top of the head, and on the anterior midline of the left forearm. It is a 1-inch x 3/4-inch, lacerated defect with protruding bone fragments. The corresponding clothing (jacket) has a defect corresponding in location to the site of this exit wound.

4. **BULLET FRAGMENT:** A single bullet fragment is recovered from the wound track and is submitted as Evidence.

5. **DIRECTION:** The direction of this bullet is from the decedent's back to front, left to right, and upward.

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L. PERFORATING GUNSHOT WOUND OF LEFT WRIST:

1. ENTRANCE: An entrance gunshot wound of the left wrist (M) is located approximately 33 inches below the top of the head and on the medial left wrist. It is a 1/2-inch x 3/8-inch, oval defect, with a circumferential 1/16-inch wide red marginal abrasion. No soot, gunpowder particles, or stippling are visible in the skin surrounding this entrance gunshot wound. The overlying clothing (jacket) has a defect corresponding in location to the site of this entrance gunshot wound. No soot or gunpowder particles are visible on the fabric surrounding the defect.

2. PATH: After perforating the skin and soft tissues of the left wrist, the bullet fractures the bones of the left wrist. The path of the bullet does not appear to be deflected or changed after perforating the bones. No powder residue is visible in the hemorrhagic wound track, which shows moderate tissue destruction.

3. EXIT WOUND: The exit wound (L) is located 31 inches below the top of the head and on the lateral distal left forearm. The overlying clothing (jacket) has a defect corresponding in location to the site of the exit wound.

4. DIRECTION: the direction of this bullet is from the decedent's right to left and upward.

M. GRAZE GUNSHOT WOUND OF BACK OF RIGHT WRIST:

1. ENTRANCE: On the back of the right wrist (N) and located approximately 33 inches below the top of the head and on the posterior midline is an irregular obliquely-oriented 2-inch x 3/4-inch graze gunshot wound with skin tags pointing towards the medial fingers of the right hand. No soot, gunpowder particles, or stippling are visible on the skin surrounding this graze gunshot wound. The overlying clothing (jacket) has defects corresponding in location to the site of this graze gunshot wound. No soot or gunpowder particles are visible on the fabric surrounding the defects. The graze gunshot wound involves the skin, underlying soft tissue, and superficial bone. No gunpowder residue is visible in the superficial wound track. There is moderate tissue destruction along the hemorrhagic wound track. It is not possible to determine whether the path of the bullet is deflected or changed with the superficial impact of the bones of the right hand.

2. DIRECTION: The direction of this bullet is from the decedent's left to right, neither back nor front, and upward.

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N. PERFORATING GUNSHOT WOUND OF ANTERIOR RIGHT LOWER LEG:

1. ENTRANCE: An entrance gunshot wound of the anterior right lower leg or shin (P) is located approximately 52 inches below the top of the head and 1-1/2 inches to the right of the anterior midline of the right leg. It is a 3/8-inch in diameter, round defect surrounded by a 1/16-inch, circumferential red marginal abrasion. The gunshot wound is centered within a faint red contusion with a diameter of approximately 1/2 inch. No soot, gunpowder particles, or stippling are visible in the skin surrounding this entrance gunshot wound. The overlying clothing (jeans) has a defect corresponding in location to this entrance gunshot wound. No soot or gunpowder particles are visible on the fabric surrounding this defect.

2. PATH: After perforating the skin and soft tissues of the right lower leg, the bullet fractures the right tibia and fibula with the widely displaced fractures tearing the anterior skin of the right lower leg. It is possible that the path of the bullet is deflected or changed after impact with fracturing the bones. No powder residue is visible in the hemorrhagic wound track, which shows moderate tissue destruction.

3. EXIT WOUND: The exit (O) is located approximately 51-1/2 inches below the top of the head and on the medial aspect of the right lower leg. It is a triangular lacerated defect measuring 3/4 inch x 1/4 inch overall. The overlying clothing (jeans) has a defect corresponding in location to the site of the exit wound.

4. DIRECTION: The general direction of this bullet is from the decedent's right to left, neither up nor down, and slightly upward.

O. BLUNT TRAUMA: On the left lateral upper eyelid and anterior left temple region is a 1-1/2-inch in greatest dimension, blunt contusion near an area of scleral hemorrhage in the lateral aspect of the left eye. On the front of the left facial cheek is a 1/2-inch in greatest dimension, red abrasion. On the front of the left arm is a 1/2-inch red abrasion centered within a 2-inch in greatest dimension, red contusion. On the front of the right medial ankle is a 1-1/2-inch in greatest dimension, red contusion. On the front of the left knee is a 1-inch in greatest dimension, red contusion. On the front of the left shin, just below the left knee, is a 1/2-inch in greatest dimension, red-brown abrasion.

Accompanying the body are dark-framed glasses, with the left lens broken and detached from the glasses. The edges of the broken lens are focally beveled. The injuries on the left side of the face, including the red contusion at the lateral aspect of the left upper eyelid and anterior left temple, the scleral hemorrhage at the lateral aspect of the left eye and abrasion on the left cheek, are located in areas that correspond to where the glasses, if worn in the usual fashion, would be located. These blunt traumas may represent injuries from the glasses when the lens was broken.

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These injuries and findings, having been described above, will not be repeated.

INTERNAL EXAMINATION: The subcutaneous body fat measures approximately 1.5 cm in its maximum thickness at the mid-abdomen. The left pleural cavity has been described above. The pleural cavities are otherwise free of abnormal collections of fluid. The visceral and parietal pleurae are otherwise intact and unremarkable. The pericardial sac is intact and unremarkable. The abdominal cavity is otherwise intact and unremarkable. The thoracoabdominal organs are in their usual positions. The diaphragms are otherwise intact and normally elevated.

NECK: The neck is dissected after the thoracoabdominal and cranial contents are removed. The superficial and deep muscles of the neck are otherwise unremarkable. The hyoid bone and thyroid and cricoid cartilages are intact. The mucosa of the larynx and trachea are otherwise unremarkable, with no intraluminal obstructive lesions. There are no prevertebral fascial hemorrhages or underlying cervical or vertebral fractures.

CARDIOVASCULAR SYSTEM: The heart weighs 320 grams. The epicardium is smooth and intact. The cardiac contour is unremarkable. The coronary arteries follow their usual pathways, with no recent thrombus of the epicardial vessels and no focus of atherosclerotic stenosis greater than 20%. The myocardium is red-brown, without evidence of infarcts or focal lesions. The left ventricle measures approximately 1.3 cm thick; the right ventricle measures approximately 0.3 cm thick. The right and left ventricles are symmetrical. The chambers are unremarkable. The endocardium, chordae, and papillary muscles are unremarkable. The valves are intact and unremarkable. The foramen ovale is closed. The aorta and its major branches follow the normal pathways and are unremarkable. The vena cava and major veins are intact and unremarkable.

RESPIRATORY SYSTEM: The left lung weighs 250 grams; the right lung weighs 350 grams. Except as noted under "Evidence of Injury," the tracheobronchial tree shows an otherwise unremarkable mucosa with no intraluminal obstructive lesions. The pulmonary vessels show no evidence of thromboemboli. The pulmonary parenchyma is without masses, consolidations, or destructive emphysema.

HEPATOBILIARY SYSTEM: The liver weighs 1,190 grams and has an intact capsule. On sectioning, the firm, red-brown parenchyma is without lesions seen on cut surfaces

The gallbladder contains approximately 15 ml of green-brown bile with no stones. The biliary tract is palpably intact and otherwise unremarkable.

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HEMATOPOIETIC SYSTEM: The spleen weighs 70 grams and has an intact capsule. On sectioning, the moderately firm, red-purple parenchyma shows unremarkable lymphoid follicles. The thymus has been replaced by adipose tissue and is unremarkable. The thoracoabdominal and cervical lymph nodes are not enlarged. The visible bone marrow is unremarkable.

ENDOCRINE SYSTEM: The pituitary gland is intact, not enlarged, and is unremarkable. The thyroid gland is bilaterally symmetrical and unremarkable in color, size, and consistency. The cortices and medullae of the adrenal glands are unremarkable. Externally and on sectioning, the pancreas is without increased hemorrhage, fibrosis, or mineralizations.

GASTROINTESTINAL SYSTEM: The oropharynx and esophagus show unremarkable mucosae. The mucosa, wall, and serosa of the stomach are unremarkable. The stomach contains approximately 250 ml of pink-tan, nondescript food fragments. No tablets, capsules, or pill residues are identified. The small intestine, large intestine, mesentery, and appendix are unremarkable.

GENITOURINARY SYSTEM: The right and left kidneys weigh 150 grams each. The renal capsules are intact and strip with ease from the underlying pale cortices. The corticomedullary junctions are demarcated, and the pyramids and papillae are unremarkable. The calyces and pelves are not dilated, and the ureters are patent to the bladder, which contains 100 ml of clear yellow urine. The bladder mucosa and wall are intact, with normal trabeculations.

Externally and on sectioning, the prostate gland is unremarkable.

MUSCULOSKELETAL SYSTEM: The muscles are otherwise firm and red-brown, and without evidence of focal lesions. The skeleton is otherwise intact and without lesions.

HEAD AND CENTRAL NERVOUS SYSTEM: The soft tissues, muscles, and skull are otherwise intact and unremarkable. There is no epidural or subdural hemorrhage. The leptomeninges are otherwise thin and delicate. The dural sinuses and floor of the skull are otherwise unremarkable. The arteries at the base of the brain are unremarkable. The brain weighs 1,500 grams. Externally, the cerebral hemispheres, cerebellum, and brainstem are otherwise unremarkable. On sectioning, the cerebral cortex, ventricles, basal ganglia, hippocampi, mid brain, pons, medulla, cerebellum, and uppermost cervical spinal cord are otherwise unremarkable.

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Case No. **2014-0292**

Name: **NIETO, ALEJANDRO** Date & Time of Necropsy: **March 22, 2014 0900 Hours**
AKA: **DOE #24, JOHN**

PATHOLOGIC FINDINGS:

I. MULTIPLE GUNSHOT WOUNDS:
- A. PENETRATING GUNSHOT WOUND OF LEFT SIDE OF FOREHEAD
- B. PENETRATING GUNSHOT WOUND OF RIGHT UPPER LIP
- C. PENETRATING GUNSHOT WOUND OF LEFT SIDE OF CHEST
- D & E: PENETRATING GUNSHOT WOUNDS OF BACK OF LEFT SHOULDER AND LEFT UPPER ARM
- F. PENETRATING GUNSHOT WOUND OF UPPER LEFT ARM
- G. PENETRATING GUNSHOT WOUND OF UPPER LEFT SIDE OF CHEST,
- H. PENETRATING GUNSHOT WOUND OF RIGHT UPPER ARM
- I. PENETRATING GUNSHOT WOUND OF RIGHT SIDE OF CHEST
- J. PENETRATING GUNSHOT WOUND OF MID BACK
- K. PERFORATING GUNSHOT WOUND OF LEFT FOREARM
- L. PERFORATING GUNSHOT WOUND OF LEFT WRIST
- M. GRAZE GUNSHOT WOUND OF BACK OF RIGHT WRIST
- N. PERFORATING GUNSHOT WOUND OF ANTERIOR RIGHT LOWER LEG:

II. BLUNT TRAUMA OF HEAD, LEFT UPPER EXTREMITY, AND BILATERAL LOWER EXTREMITIES:
- A. CUTANEOUS ABRASIONS AND CONTUSIONS
- B. SCLERAL HEMORRHAGE OF THE LEFT EYE

III. STATUS POST ATTEMPTED RESUSCITATION

IV. CLINICAL HISTORY OF PSYCHOSIS EXACERBATED BY NON-COMPLIANCE WITH MEDICATIONS

V. TOXICOLOGICAL TESTING OF POSTMORTEM BLOOD:
- A. ABILIFY, ZYPREXA, BENADRYL, RISPERDAL, GEODON AND ATIVAN NOT DETECTED
- B. CANNABINOIDS DETECTED
- C. SEE SEPARATE TOXICOLOGY REPORT

Spec. to Pathology: Major organs and fractured teeth from mouth.

Spec. to Histology: Major organs and tongue

Spec. to Toxicology: Subclavian blood, vitreous humor, urine, bile, gastric contents, liver, muscle, and pulled pubic hair.

Physicians Present: G.B. Pizarro, M.D.

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CITY AND COUNTY OF SAN FRANCISCO
Office of the Chief Medical Examiner
Medical Division

Case No. **2014-0292**

Name: **NIETO, ALEJANDRO** Date & Time of Necropsy: **March 22, 2014 0900 Hours**
AKA: **DOE #24, JOHN**

Forensic Techs: J. Wasley, A. Marchini, A. Aparicio, E. Prendel, K. MacFerren and J. Wedrychowski

Photographer: Supervised by Amy P. Hart, M.D., Chief Medical Examiner, San Francisco Office of the Chief Medical Examiner.

Radiographs: X-rays taken by K. MacFerren and A. Aparicio, under the supervision of Amy P. Hart, M.D., Chief Medical Examiner, San Francisco Office of the Chief Medical Examiner.

Evidence: Eighteen (18) envelopes with bullets, individual bullet fragments, or groups of bullet fragments, Medical Examiner's seal, blood spot, right fingernails, right nail clipper, left fingernails, left nail clipper, apparent bone fragment from scene, apparent tooth fragment from scene, bone fragment from left front pocket of jacket, gunshot GSR kit, hand bags (left and right together), sunglasses from scene (broken), and clothing.

Amy P. Hart Date: 9/11/14
Amy P. Hart, M.D.
Chief Medical Examiner

A.P. Hart, M.D.
E.G. Moffatt, M.D.
G.B. Pizarro, M.D.

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APH/nf

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MEDICAL EXAMINER
2014 SEP 11 PM 12:43

CITY AND COUNTY OF SAN FRANCISCO
Office of the Chief Medical Examiner
Medical Division

Name: **NIETO, ALEJANDRO** Case No: **2014-0292**
AKA: **DOE #24, JOHN**

MICROSCOPIC DESCRIPTION

CENTRAL NERVOUS SYSTEM: A representative section of the cerebellum shows no evidence of neoplasia, degenerative disease, or inflammatory infiltrate. The Purkinje cells are reddened. There is a focal accumulation of intact red blood cells in the subarachnoid space.

HEART: These sections show intact epicardial surfaces with no evidence of inflammatory infiltrate or hemorrhage. The myocardial fibers are viable and uniform in size and shape, with no evidence of acute myocardial infarct, fiber fragmentation, necrosis, or hemorrhage. No inflammatory infiltrate is noted in the myocardium. There is no increased fibrofatty infiltration.

LUNGS: Sections of the lungs show a focal accumulation of intact red blood cells within the alveolar spaces with sparse fine polarizable material and occasional carbonaceous particles within tissue disruption, without associated inflammatory cell infiltrate or fibrous tissue, consistent with an acute gunshot wound injury. The alveoli are otherwise well expanded and the alveolar septae are otherwise relatively normal. No edema is noted and there is no evidence of pneumonia or granulomatous inflammation. The respiratory airways show no evidence of foreign body aspiration. The pulmonary vessels show no evidence of thromboemboli. No bone marrow elements or vacuoles are identified within the capillaries.

LIVER: The section shows an intact hepatic parenchyma with normally arranged hepatocytes. There is no evidence of fatty metamorphosis. The portal triads show no diagnostic inflammatory infiltrate. The sinusoids are unremarkable. No diagnostic polarizable material is seen.

SPLEEN: The section shows an intact splenic capsule. There are a minimal number of intact red blood cells within the sinusoids. The Malpighian follicles are inactive. There is no evidence of inflammatory infiltrate or infarct in the splenic parenchyma.

PANCREAS: The section shows focally autolyzed, but otherwise intact parenchyma with no evidence of fat necrosis, hemorrhage, or degenerative disease. The islets of Langerhans in the areas that are relatively well preserved appear to be intact and uniformly distributed.

KIDNEY: The section shows intact glomerular and tubular elements. There is no diagnostic interstitial infiltrate. The arteries and arterioles exhibit no significant diagnostic hypertrophy. No diagnostic polarizable material is seen.

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Name: **NIETO, ALEJANDRO** Case No: **2014-0292**
AKA: **DOE #24, JOHN**

ADRENAL GLAND: The section shows an intact cortex and medulla. The periadrenal vessels are unremarkable. There is no evidence of hemorrhage, neoplasia, or inflammatory infiltrate.

TONGUE: The section shows tissue disruption with an accumulation of intact red blood cells within the parenchyma of the tongue. There are focal, fine polarizable particles and carbonaceous particles consistent with an acute gunshot wound track.

MICROSCOPIC DIAGNOSES:

I. LUNG AND TONGUE: HEMORRHAGIC TISSUE DISRUPTION CONSISTENT WITH AN ACUTE GUNSHOT WOUND
II. CEREBELLUM: SUBARACHNOID HEMORRHAGE, ACUTE, FOCAL
III. PANCREAS: AUTOLYSIS, FOCAL
IV. HEART, LIVER, ADRENAL GLAND, KIDNEY, AND SPLEEN: NO PATHOLOGIC DIAGNOSIS

CAUSE OF DEATH: **MULTIPLE GUNSHOT WOUNDS**

OTHER CONDITION: **CANNABINOIDS PRESENT**

MANNER: **HOMICIDE**

Amy P. Hart M.D. Date: 9/10/14
Amy P. Hart, M.D.
Acting Chief Medical Examiner

A.P. Hart, M.D. APH
E.G. Moffatt, M.D.
G.B. Pizarro, M.D.

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2014 SEP 10 AM 8:36

City and County of San Francisco

FORENSIC LABORATORY DIVISION

Office of the Chief Medical Examiner

TOXICOLOGY REPORT

NAME: NIETO, ALEJANDRO **SUBMISSION DATE:** 03/31/2014 **M. E.:** AH
CASE NO: 2014-0292T **REPORT DATE:** 06/11/2014

ANALYTICAL RESULTS:

SPECIMEN TYPE	COMPOUND	RESULT	UNITS	ANALYSIS BY
Blood (Peripheral)	Δ^9-THC	6	ng/mL	LC-MS
Blood (Subclavian)	Δ^9-Carboxy THC	17	ng/mL	LC-MS
Urine	Nicotine/Cotinine	Detected		GC-MS

COMMENTS
Report prepared by RHS.

Nikolas P. Lemos, Ph.D., FRSC, D-ABFT
Director & Chief Forensic Toxicologist

ANALYTICAL PROTOCOL:
Specimens submitted were subjected to Analytical Panels A, B, C. Analytical Panel A employs HS-GC-FID to detect and quantify ethanol, methanol, isopropanol and acetone and may also detect other volatile compounds which would require additional analyses for confirmation and/or quantitation. Analytical Panel B employs ELISA, GC-MS and/or LC/MS to detect, confirm and/or quantify Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Fentanyl, Methadone, Phencyclidine (PCP), Opiates/Opioids and Tricyclic Antidepressants. Analytical Panel C employs ELISA, GC-MS and/or LC/MS to detect, confirm and/or quantify over one hundred drugs and metabolites. Please contact the Forensic Laboratory Division if you have questions regarding specific substances.

SFDPA - 0179-14 - 001393

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SFDPA - 0179-14 - 001394

City and County of San Francisco

FORENSIC LABORATORY DIVISION

Office of the Chief Medical Examiner

TOXICOLOGY REPORT

NAME: NIETO, ALEJANDRO **SUBMISSION DATE:** 03/31/2014 **M. E.:** AH
CASE NO: 2014-0292T **REPORT DATE:** 09/08/2014

ANALYTICAL RESULTS:

SPECIMEN TYPE	COMPOUND	RESULT	UNITS	ANALYSIS BY
Blood (Peripheral)	Δ^9-THC	6	ng/mL	LC-MS
Blood (Subclavian)	Δ^9-Carboxy THC	17	ng/mL	LC-MS
Urine	Nicotine/Cotinine	Detected		GC-MS

COMMENTS
Report prepared by RHS.

Nikolas P. Lemos, Ph.D., FRSC, D-ABFT
Director & Chief Forensic Toxicologist

ANALYTICAL PROTOCOL:
Specimens submitted were subjected to Analytical Panels A, B, C, Named Compounds. Analytical Panel A employs HS-GC-FID to detect and quantify ethanol, methanol, isopropanol and acetone and may also detect other volatile compounds which would require additional analyses for confirmation and/or quantitation. Analytical Panel B employs ELISA, GC-MS and/or LC/MS to detect, confirm and/or quantify Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Fentanyl, Methadone, Phencyclidine (PCP), Opiates/Opioids and Tricyclic Antidepressants. Analytical Panel C employs ELISA, GC-MS and/or LC/MS to detect, confirm and/or quantify over one hundred drugs and metabolites. Analytical Panel Named Compounds was performed following the request received by the case Medical Examiner on 08/20/2014 and employs LC-MS/MS to detect, confirm and/or quantify Aripiprazole, Risperidone and Ziprasidone. Please contact the Forensic Laboratory Division if you have questions regarding specific substances.

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SAN FRANCISCO
MEDICAL EXAMINER
2014 SEP -9 PM 8:33

SFDPA - 0179-14 - 001396

SAN FRANCISCO POLICE DEPARTMENT
CHRONOLOGICAL OF INVESTIGATION

TYPE OF CASE	CASE NO.	VICTIM
O.I.S.	140240512	SFPD
DATE	**DETAIL**	**INSPECTOR ASSIGNED**
Friday, March 21, 2014	HOMICIDE	CAGNEY

DATE	TIME	ACTIVITY
03/21/14	1945	OIS CALL OUT BERNAL HEIGHTS PARK, NORTH SIDE, AND SUSPECT DOWN. RESPONDED WITH BURKE AND BONNER. ARRIVED 2015 HRS. CRIME SCENE SECURED. **CRIME SCENE OBSERVATIONS:** CLEAR, COOL, WINDY DRY. LOW LIGHT CONDITIONS UPON ARRIVAL. INVOLVED OFFICERS AT CO. H. TWO WITNESSES AT CO. H. SUSPECT ON SCENE **PRONOUNCED AT 1928 HRS**. WALKED CRIME SCENE WITH **C.S.I. LEAD SHOUDICE**. TWO RADIO CARS, SIDE BY SIDE, SLIGHTLY OFF SET. NUMEROUS CASINGS ON THE GROUND ON EITHER SIDE AND IN BETWEEN THE RADIO CARS. AT LEAST TWO MAGAZINES ON THE GROUND NEAR RADIO CARS. 802 SUSPECT APPROXIMATELY 30 YARDS WEST ON ACESSS ROAD. HMA 20 TO 30. AT LEAST 3 GSW TO HEAD, LEG, AND SUPINE WITH HANDS HAND CUFFED BEHIND HIS BACK. FIRED STUN GUN LYING APPROXIMATELY 5 FEET TO THE NORTH OF THE RIGHT HAND OF SUSPECT. COILS OF STUN GUN EXTENDED EAST TOWARDS RADIO CARS. SUSPECT HAS BLACK TACTICAL STYLE HOLSTER ON HIS RIGHT SIDE. ALSO OBSERVED 2 CANS OF PEPPER SPRAY AND SEVERAL ITEMS OF PERSONAL PROPERTY: CIGARETTES, SUN GLASSES, BB CAP NEAR HEAD. PER CSI, SOME OF THESE ITEMS WERE BLOWN AROUND BY THE WIND. NO I.D. ON SUSPECT.
03/21/14	2030	**OFFICER DILAG #173 3H11D R/O 140240512. ME:2014-0292** INVOLVED OFFICERS: SGT. **JASON SAWYER#1127 3H104, DATE OF HIRE 06/26/95. OFFICER RICHARD SCHIFF #1968, DATE OF HIRE:05/28/13,** RIDING WITH SWAYER FOR FTO TRAINING. **OFFICER ROGER MORSE #1923, DATE OF HIRE: 10/31/05, OFFICER NATHAN CHEW #2088, DATE OF HIRE: 09/24/07, 3H15D.**
03/21/14	2130	BURKE CAGNEY CO. H INTERVIEWS WITH **911 CALLERS** [redacted]
03/21/14	2330	RESPONDED TO HOMICIDE DETAIL FOR OFFICER INTERVEWS. BONNER MAINTAINING CRIME SCENE.
03/22/12	1200-0200	INTERVIEWS WITH: **SAWYER (CAGNEY/BURKE)** **SCHIFF (CAGNEY/BURKE** **CHEW (BURKE/BONNER)** **MORSE (CAGNEY/BONNER)** WITH D.A.I. POSADA AND DA SUNDARRAJAN, POA ATTORNEY STERN. **ALL INTERVIEWS AUDIO/VIDEO RECORDED. SEE NOTES CDR'S DVD'S**
03/22/14	0200	BURKE D.E.M. REQUEST. NO I.D. PER M.E. CELL PHONE AND KEYS COLLECTED FROM 802..
03/22/14	1000	BURKE RESPONDS TO M.E. TO COLLECT SUSPECT CELL PHONE AND KEYS. APPLE I PHONE IS LOCKED AND NOT ACCESSIBLE.M.E. OFFICE DOES NOT HAVE POSTIVE I.D. BURKE CONTACTS PHONE NUMBER OFF KEY FOB. POSSIBLE SUSPECT: **NIETO/ALEJANDRO WMA** [redacted] **CADL#** [redacted] **. NO CII S.F. RAPS.**

DATE	TIME	ACTIVITY
03/22/14	1030	RESPONDED TO SFGATE COMMENT ON NEWS ARTICLE OF POLICE SHOOTING REQUESTING AN INTERVIEW WITH POTENTIAL WITNESS. **(SEE NOTES)**
03/22/14	1045	LEFT MESSAGE FOR 911 CALLER [redacted] FOR INTERVIEW
03/22/14	1100	BASED ON DATA SEARCH, BURKE BONNER AND I RESPOND TO [redacted] **NIETO'S LAST KNOWN ADDRESS TO CONFIRM POSSIBLE I.D.**.
03/22/14	1200	WITH THE ASSITANCE OF OFFICER OSCAR PADILLO #4052. WE SPEAK WITH [redacted] **WMA 03/14/49** [redacted] **WFA 01/30/48** [redacted]). [redacted] **THEY CONFIRM THAT ALEJANDRO NIETO IS THEIR** SON AND THAT HE RESIDES THERE. BOTH PARENTS TELL US THEY **LAST SAW THEIR SON AT APPROXIMATELY 1900 TO 2000 HRS.** THEY TELL [redacted] **(SEE CDR AND NOTES FOR DETAILS)**
03/22/14	1430	BASED ON PRIOR POLICE REPORTS, BURKE, BONNER AND I RESPOND TO [redacted] TO FOLLOW-UP WITH [redacted] V[redacted] TELLS US [redacted] HAS A LONG RUNNING CONFLICT WITH NIETO OVER [redacted] ESTRANGED [redacted] TOLD US [redacted] WAS TAZED BY NIETO TWO WEEKS AGO. [redacted] TELLS US THAT [redacted] AND NIETO HAVE TRADED RESTRAINING ORDERS AND SEVERAL POLICE REPORTS DOCUMENTING THEIR PROBLEMS. [redacted] **(SEE NOTES AND POLICE REPORTS)**
03/22/14	1500	BASED ON INFORMATION PROVIDED BY [redacted] CONDUCT SEARCH FOR A WHITE CHEVY CAPRICE BELONGING TO NIETO IN THE BERNAL HEIGHTS, CORTLAND AREA. ON THE 300 BLOCK OF ANDOVER **CA.** [redacted] **WHITE CHEVY CAPRICE** LOCATED. R/O IS NIETO. VEH IS TOWED HOLD FOR HOMICIDE.
03/22/14	1600	BONNER AND I RESPOND TO M.E.H. AND SPEAK TO THE [redacted] NURSE. [redacted]
03/23/14	0900	911 CALLER [redacted] CALLS BACK. PHONE INTERVIEW **(SEE NOTES)**
03/23/14	1200-1600	BONNER AND I RESPOND TO THE CRIME SCENE TO CONDUCT WITNESS CANVASS WITH FYLERS, AND CRIME SCENE SEARCH DURING DAYLIGHT FOR ANY EVIDENCE MIGHT HAVE BEEN MISSED.
03/24/14	0900	RESPONDED TO CSI PRELIMINARY SHOT COUNT: 46 BASED ON CASINGS RECOVERED.
03/24/14	1100	M.E. HART NO INFO ON WOUNDS AS OF TODAY.
03/24/14	1500	P.C. CAR SEARCH OF NIETO'S CHEVY CAPRICE ONE I PAD, INDICIA FOR NEITO, 5150 W&1 PAPERWORK (SANTA CLARA CO.) TASER CASE [redacted], TASER TARGET, PAPERWORK FOR SAME.
03/25/14	1800	TOWN HALL MEETING (BURKE)
03/26/14	1700	BURKE RELEASES VEHICLE TO FAMILY
03/31/14	1200	RESPONDED TO CRIME LAB FIRE ARMS SECTION AND SPOKE WITH MARK PORIA WHO ADVISED ME THAT FIREARMS SECTION IS NOT EQUIPPED TO TEST TASER WEAPONS.

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DATE	TIME	ACTIVITY
03/31/14	1400	SPOKE TO EVIDENCE SUPPORT TECH [redacted] **TASER INTERNATIONAL** [redacted] REGARDING NIETO'S M26 TASER. MAYFIELD TOLD ME THAT THIS MODEL **DOES NOT HAVE ANY RECORDING OR FIRING LOG FUNCTION**. MAYFIELD DID TELL ME THAT M26 MODEL IS **EQUIPPED WITH A RED LED POINTING LIGHT** UNDERNEATH THE FIRING PORT.
03/31/14	1600	PER DISCUSSIONS WITH CSI, CRIME LAB AND POSSIBLE OUTSOURCING OF TASER EXAMINATION, KEEP EXAMINATION IN HOUSE.
04/01/14	1000	SPOKE TO BONNER REGARDING SMALL ID TAGS THAT ARE DISCHARGED WHEN THE M26 MODEL IS DEPLOYED. BONNER TOLD ME HE WAS ADVISED OF THIS FEATURE BY C.S.I. AT THE CRIME SCENE, HOWEVER **NO TAGS WERE FOUND**. BURKE ESTIMATED THE WIND CONDITIONS WERE 10-15 M.P.H. THAT EVENING.
04/03/14	1000	M.E. OFFICE IS STILL VOUCHERING THE EVIDENCE FROM CASE, LEFT MESSAGE FOR HART RE: WOUNDS.
04/07/14	0930	MET WITH FATHER AND REPRESENTATIVE OF FAMILY [redacted] AT HOMICIDE RE: EVIDENCE RETURN. O.K.ED RELEASE OF ANY FUNDS FOUND ON BODY TO FAMILY
04/08/10	0900	RESPONDED TO COURT HOUSE AND OBTAINED COURT ORDERS REGARDING THE CONFLICT BETWEEN [redacted], AND NIETO.
04/08/14	1600	M.E. HAS VOUCHERED EVIDENCE AVAILABLE FOR PICK UP
04/09/14	0900	BOOKED M.E. EVIDENCE AT P.C.D.
04/10/14	1300	SEARCH WARRANT FOR CELL PHONE AND I PAD SIGNED BY JUDGE LAM DEPT 606
04/10/14	1500	64 FOR FIREARMS EXAMINATION, 64 FOR DNA COMPARISON FOR TASER. 64 FOR CELL PHONE/LAPTOP EXAMINATION SUBMITTED **(CASEFILE).**
04/11/14	0900	TRANSFERED CELL PHONE AND I PAD TO CSI FOR EXAMINATION
05/02/14	0900	REVIEWED CELL AND LAPTOP INFO FROM CSI. NO EVIDENTIARY VALUE **(CASE FILE)**
05/09/14	0900	BURKE RELEASES LAP TOP AND CELL PHONE TO REPRESENTATIVE OF FAMILY
05/15/14	0900	INTERNET SEARCH LOCATED A SOUND FILE POSTED BY BLOGGER [redacted] THAT CLAIMS THIS IS AN AUDIO RECORD OF THE GUNSHOTS GIVEN TO [redacted] BY AN UNKNOWN SOURCE. I SENT [redacted] AN **E MAIL REQUEST TO AUTHENTICATE THE AUDIO FILE.**
05/29/14	1930	SENT [redacted] 48 HILLS BLOGGER A E MAIL DETAILING HIS NON COOPERATION **(CASEFILE)**
06/15/14	0900	DISCUSSIONS WITH D.A.I. POSADA RE:SENDING THE TASER OUT FOR EXAMINATION. POSADA WILL SEND OUT THE TASER PER REQUEST OF D.A.'S OFFICE.
06/30/14	0900	D.A.I. POSADA FORWARDS THE TASER INTERNATIONAL INC REPORT AND EXAMINATION OF THE TASER RECOVERED AT THE SCENE AND SUBMITTED TO THE COMPANY. THE TASER IS FUNCTIONAL AND SHOWS ACTIVATION 3 TIMES ON THE DAY OF THE SHOOTING

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DATE	TIME	ACTIVITY
		STARTING AT 1914:16 HRS, ENDING AT 19:14:32 HRS. PER TASER INTERNATIONAL THE TIME STAMPS FOR ACTIVATIONS ARE SUBJECT TO SEVERAL FACTORS AND MAY NOT BE EXACTLY ACCURATE **(SEE CASE FILE)**
08/22/14	0900	PER THE NIETO FAMILY LAW FIRM THEY HAVE INTERVIEWED A WITNESS OR WITNESSES WHO SAW THE INCIDENT. D.A.I. POSADA TOLD ME HE WOULD FORWARD A REQUEST VIA CHANNELS TO THE LAW FIRM TO INTERVIEW THIS WITNESS(S) **(MEDIA STORY REGARDING IN FILE)**
8/26/14	1250	CO. D RECEIVES E MAIL FROM [redacted] IS A WITNESS TO THE INCIDENT AND WILL CONSENT TO AN INTERVIEW. I PHONE [redacted] AND WE AGREED TO MEET ON 09/03/14 WITH INV. POSADA D.A.I.
09/03/14	1100	RESPONDED TO A CALL OUT ON UNRELATED HOMICIDE. D.A.I. POSADA INTERVIEWS [redacted] STATED TO POSADA THAT NIETO WAS ACTING AGGRESSIVELY AND POINTED THE TASER AT HIM AND HIS DOG IN THE MINUTES PRIOR TO THE SHOOTING. **(SEE CD-R AND TRANSCRIPT)**
09/11/14	0900	M.E. REPORT RECEIVED AND REVIEWED
09/24/14	0900	FIREARMS EXAMINATION REPORT FROM CRIME LAB RECEIVED AND REVIEWED.
09/30/14	0900	D.A.I. POSADA F/U ON [redacted] INTERVIEW. POSADA INTERVIEWS [redacted] CORROBORATES [redacted] ACCOUNT OF WHAT [redacted] SAW ON 03/21/14. **(SEE CD-R TRANSCRIPT)**

SFDPA - 0179-14 - 001400

San Francisco Police Department
Forensic Services Division - Criminalistics Laboratory
Tel: 415.671.3200 / Fax: 415.671.3290

Report of Laboratory Examination
Firearms Examination

Incident Number	140-240-512
Laboratory Number	14-0864
Incident Date	March 21, 2014
Requested By	Inspector Cagney #341
Detail / Agency	Homicide / SFPD
Complainant / Victim	Sawyer #1127; Schiff #1968; Morse #1923; Chew #2088
Suspect	Nieto
Report Date	September 24, 2014

The following evidence was received in the Criminalistics Laboratory on August 12, 2014.

DESCRIPTION OF EVIDENCE

Bag 2 Ex. 2-1 — One 40 S&W caliber SigSauer Model P226 semiautomatic pistol, serial number [redacted]
Three magazines
Thirty-two 40 S&W caliber Winchester cartridges
One empty envelope

Bag 3 Ex. 3-1 — One 40 S&W caliber SigSauer Model P226 semiautomatic pistol, serial number [redacted]
One magazine
Thirteen 40 S&W caliber Winchester cartridges
One empty envelope

Bag 4 Ex. 4-1 — One 40 S&W caliber SigSauer Model P226 semiautomatic pistol, serial number [redacted]; with Streamlight TLR-2 Tactical Gun Mount Light with Laser Sight
Two magazines
Seventeen 40 S&W caliber Federal cartridges
One empty envelope

Bag 5 Ex. 5-1 — One 40 S&W caliber SigSauer Model P226 semiautomatic pistol, serial number [redacted]
Three magazines
Twenty-six 40 S&W caliber Winchester cartridges
One empty envelope

Bags 8, 9
Ex. 8-1 – 8-18,
8-20, 8-22 – 8-28,
9-30 – 9-40, 9-40a,
9-41 – 9-48,
9-65, 9-66 — Forty-eight fired 40 S&W caliber cartridge cases (44 – Winchester and 4 – Federal)

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	Ex. 9-19, 9-29	Two magazines
	Ex. 9-21	One magazine with One 40 S&W caliber Winchester cartridge
Bag 17	Ex. 17-1, 17-3, 17-4a, 17-6 – 17-9, 17-10a, 17-15	Nine fired copper-jacketed bullets
	Ex. 17-2-1	One apparent lead core One apparent lead fragment
	Ex. 17-2-2	One fired copper bullet jacket
	Ex. 17-2-3	One fired copper bullet jacket fragment Three apparent lead fragments One apparent tissue fragment
	Ex. 17-4b, 17-4c	Two apparent lead fragments
	Ex. 17-4d	One fired copper bullet jacket One apparent lead bullet core One apparent tissue fragment
	Ex. 17-8a	One copper fragment One apparent lead fragment
	Ex. 17-10b, 17-16	Two copper fragments
	Ex. 17-11	One apparent lead bullet core fragment
	Ex. 17-14	Three apparent lead fragments

PURPOSE OF EXAMINATION

Standard firearms examination performed in accordance with the standard operating procedures of the Firearm and Toolmark Unit

RESULTS AND CONCLUSIONS

Bag 2	Ex. 2-1	The pistol was examined and found to be functional using one of the submitted magazines. The trigger pulls were determined to be within manufacturer's specifications. The remaining magazines, cartridges, and envelope were not examined further.

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MJ

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Bag 3	Ex. 3-1	The pistol was examined and found to be functional using the submitted magazine.
		The trigger pulls were determined to be within manufacturer's specifications.
		The cartridges and envelope were not examined further.
Bag 4	Ex. 4-1	The pistol was examined and found to be functional using one of the submitted magazines.
		The trigger pulls were determined to be within manufacturer's specifications.
		The remaining magazine, cartridges, and envelope were not examined further.
Bag 5	Ex. 5-1	The pistol was examined and found to be functional using one of the submitted magazines.
		The trigger pulls were determined to be within manufacturer's specifications.
		The remaining magazines, cartridges, and envelope were not examined further.

Bags 8, 9

Ex. 8-1, 8-2, 8-4, 8-7 – 8-10, 8-12, 8-22, 8-23, 8-25	The cartridge cases were fired in the submitted Exhibit 5-1 SigSauer pistol.
Ex. 8-3	The cartridge case was fired in the submitted Exhibit 2-1 SigSauer pistol.
Ex. 8-5, 8-11, 8-13 – 8-18, 8-20, 8-24, 8-26 – 8-28, 9-30 – 9-32, 9-36, 9-48, 9-65, 9-66	The cartridge cases were fired in the submitted Exhibit 3-1 SigSauer pistol.
Ex. 8-6, 9-33 – 9-35, 9-37 – 9-40, 9-40a, 9-41 – 9-47	The cartridge cases were fired in the submitted Exhibit 4-1 SigSauer pistol.
Ex. 9-19, 9-21, 9-29	The magazines and cartridge were not examined further.

Bag 17	Ex. 17-1, 17-4a, 17-6, 17-7, 17-10a, 17-15	The six bullets were fired from the submitted Exhibit 4-1 SigSauer pistol.

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The exhibits were determined to be of 40 caliber displaying rifling characteristics of six lands and grooves, right twist.

Ex. 17-2-1 The apparent core and apparent lead fragment do not display individual or class characteristics and were not examined further.

Ex. 17-2-2, 17-3, 17-4d The two jackets and bullet were fired from the submitted Exhibit 3-1 SigSauer pistol.

The exhibits were determined to be of 40 caliber displaying rifling characteristics of six lands and grooves, right twist.

The apparent lead core in Exhibit 17-4d does not display individual or class characteristics and was not examined further.

The apparent tissue fragment in Exhibit 17-4d is not bullet material and was not examined further.

Ex. 17-2-3 The jacket fragment could neither be identified nor eliminated as having been from the submitted Exhibit 2-1, 3-1, 4-1, or 5-1 pistols.

The jacket fragment displays rifling characteristics of right twist. The caliber was unable to be determined.

The apparent lead fragments do not display individual or class characteristics and were not examined further.

The apparent tissue fragment is not bullet material and was not examined further.

Ex. 17-4b, 17-4c, 17-14 The fragments do not display any apparent individual or class characteristics and were not examined further.

Ex. 17-8, 17-9 The two bullets were fired from the submitted Exhibit 5-1 SigSauer pistol.

The exhibits were determined to be of 40 caliber displaying rifling characteristics of six lands and grooves, right twist.

Ex. 17-8a, 17-10b, 17-11, 17-16 The fragments do not display individual or class characteristics and were not examined further.

DISPOSITION OF EVIDENCE

The items will be returned to the property control division.

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Reported By: Mark Proia, Criminalist II

END OF REPORT

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SFDPA - 0179-14 - 001405

San Francisco Police Department
Officer Range Summary Report

Report ID: SFSTR020
Reporting for: [redacted]

Run Date: 10/30/14 13:53

Name: Sawyer,Jason C
Star: 1127
A Number: [redacted]

Rank: Q 60
DeptID: PARK

Issue Date	Test/Qualification		Passed?
09/08/14	HGQU	Handgun - Qualification	Y
05/20/14	HGQU	Handgun - Qualification	Y
05/20/14	RIQU	Rifle - Qualification	Y
03/27/14	HGPR	Handgun - Practice	N
03/24/14	EXSPC	Excused - Specialist	N
01/06/14	SGERIW	Shotgun - ERIW	Y
01/06/14	RIQU	Rifle - Qualification	Y
01/06/14	HGQU	Handgun - Qualification	Y
09/23/13	HGQU	Handgun - Qualification	Y
09/23/13	SGERIW	Shotgun - ERIW	Y
09/23/13	RIQU	Rifle - Qualification	Y
07/15/13	SGERIW	Shotgun - ERIW	Y
07/15/13	HGQU	Handgun - Qualification	Y
07/15/13	RIQU	Rifle - Qualification	Y
05/20/13	TRNSPC	Training - Specialist	N
05/06/13	SGERIW	Shotgun - ERIW	Y
05/06/13	HGQU	Handgun - Qualification	Y
05/06/13	RIQU	Rifle - Qualification	Y
04/04/13	TRNSPC	Training - Specialist	N
04/03/13	TRNSPC	Training - Specialist	N
03/11/13	HGQU	Handgun - Qualification	Y
03/11/13	RIQU	Rifle - Qualification	Y
03/11/13	SGERIW	Shotgun - ERIW	Y
03/04/13	TRNSPC	Training - Specialist	N

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Name: Sawyer,Jason C | Star: 1127 | A Number: [redacted]

Rank: Q 60 | DeptID: PARK

Issue Date	Test/Qualification		Passed?
01/28/13	HGQU	Handgun - Qualification	Y
01/28/13	RIQU	Rifle - Qualification	Y
01/28/13	SGERIW	Shotgun - ERIW	Y
01/07/13	RIQU	Rifle - Qualification	Y
01/07/13	HGQU	Handgun - Qualification	Y
01/07/13	SGERIW	Shotgun - ERIW	Y
11/19/12	TRNSPC	Training - Specialist	N
11/05/12	SGERIW	Shotgun - ERIW	Y
11/05/12	HGQU	Handgun - Qualification	Y
11/05/12	RIQU	Rifle - Qualification	Y
09/24/12	RIQU	Rifle - Qualification	Y
09/24/12	HGQU	Handgun - Qualification	Y
09/24/12	SGERIW	Shotgun - ERIW	Y
09/10/12	RIQU	Rifle - Qualification	Y
09/10/12	HGQU	Handgun - Qualification	Y
09/10/12	SGERIW	Shotgun - ERIW	Y
05/23/12	SUBQU	Submachine Gun - Qualification	Y
05/23/12	HGQUTAC	Handgun - Qualification TAC	Y
05/09/12	TRNTAC	Training - TAC	N
04/25/12	TRNTAC	Training - TAC	N
03/31/12	EXTAC	Excused - Tactical	N
02/08/12	HGQUTAC	Handgun - Qualification TAC	Y
02/08/12	SUBQU	Submachine Gun - Qualification	Y
12/21/11	TRNTAC	Training - TAC	N

SFDPA - 0179-14 - 001407

Name: Sawyer,Jason C Star: 1127 A Number: [redacted]

Rank: Q 60 DeptID: PARK

Issue Date	Test/Qualification		Passed?
11/30/11	TRNTAC	Training - TAC	N
11/02/11	TRNTAC	Training - TAC	N
10/12/11	HGQUTAC	Handgun - Qualification TAC	Y
10/12/11	TRNTAC	Training - TAC	N
09/24/11	EXTAC	Excused - Tactical	N
07/20/11	TRNTAC	Training - TAC	N
06/28/11	HGQUTAC	Handgun - Qualification TAC	Y
06/29/11	SUBQU	Submachine Gun - Qualification	Y
05/16/11	TRNTAC	Training - TAC	N
04/28/11	HGPR	Handgun - Practice	N
04/28/11	RIPR	Rifle - Practice	N
04/27/11	HGPR	Handgun - Practice	N
04/20/11	RIPR	Rifle - Practice	N
04/20/11	HGQU	Handgun - Qualification	N
03/26/11	EXTAC	Excused - Tactical	N
03/16/11	HGPR	Handgun - Practice	N
02/23/11	HGPR	Handgun - Practice	N
11/17/10	HGPR	Handgun - Practice	N
09/22/10	RIQU	Rifle - Qualification	Y
09/22/10	HGQU	Handgun - Qualification	Y
08/26/10	HGPR	Handgun - Practice	N
08/16/10	HGPR	Handgun - Practice	N
08/02/10	HGQU	Handgun - Qualification	Y
08/02/10	RIQU	Rifle - Qualification	Y

SFDPA - 0179-14 - 001408

Name: Sawyer,Jason C Star: 1127 A Number: [redacted]

Rank: Q 60 DeptID: PARK

Issue Date	Test/Qualification		Passed?
05/19/10	HGPR	Handgun - Practice	N
05/19/10	RIPR	Rifle - Practice	N
04/14/10	HGQU	Handgun - Qualification	Y
03/27/10	EXTAC	Excused - Tactical	Y
12/30/09	HGPR	Handgun - Practice	Y
12/02/09	HGPR	Handgun - Practice	Y
10/21/09	HGPR	Handgun - Practice	Y
09/26/09	EXTAC	Excused - Tactical	Y
09/16/09	HGPR	Handgun - Practice	Y
09/02/09	HGPR	Handgun - Practice	Y
07/15/09	HGPR	Handgun - Practice	Y
07/01/09	HGPR	Handgun - Practice	Y
04/15/09	HGPR	Handgun - Practice	Y
03/04/09	HGQU	Handgun - Qualification	Y
01/07/09	HGPR	Handgun - Practice	Y
09/27/08	EXDP	Excused - Disability	Y
07/02/08	RIQU	Rifle - Qualification	Y
07/02/08	SUBQU	Submachine Gun - Qualification	Y
07/02/08	SGERIW	Shotgun - ERIW	Y
07/02/08	HGQU	Handgun - Qualification	Y
03/12/08	SGERIW	Shotgun - ERIW	Y
03/12/08	SGQU	Shotgun - Qualification	Y
03/12/08	HGQU	Handgun - Qualification	Y
09/16/07	HGQU	Handgun - Qualification	Y

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Name: Sawyer,Jason C Star: 1127 A Number: [redacted]

Rank: Q 60 DeptID: PARK

Issue Date	Test/Qualification		Passed?
03/07/07	HGPR	Handgun - Practice	Y
03/03/07	EXTAC	Excused - Tactical	Y
01/03/07	HGQU	Handgun - Qualification	Y
12/06/06	HGPR	Handgun - Practice	Y
11/15/06	HGQU	Handgun - Qualification	Y
10/18/06	HGPR	Handgun - Practice	Y
10/04/06	HGQU	Handgun - Qualification	Y
10/04/06	SUBQU	Submachine Gun - Qualification	Y
10/04/06	RIQU	Rifle - Qualification	Y
09/30/06	EXTAC	Excused - Tactical	Y
04/20/06	HGPR	Handgun - Practice	Y
04/05/06	HGPR	Handgun - Practice	Y
03/15/06	HGQU	Handgun - Qualification	Y
02/02/06	HGQU	Handgun - Qualification	Y
01/18/06	HGPR	Handgun - Practice	Y
12/22/05	HGQU	Handgun - Qualification	Y
09/24/05	EXTAC	Excused - Tactical	Y
03/28/05	EXTAC	Excused - Tactical	Y
03/16/05	HGPR	Handgun - Practice	Y
02/16/05	HGPR	Handgun - Practice	Y
01/19/05	HGPR	Handgun - Practice	Y
01/13/05	HGQU	Handgun - Qualification	Y
01/13/05	SGERIW	Shotgun - ERIW	Y
12/22/04	HGQU	Handgun - Qualification	Y

Name: Sawyer,Jason C Star: 1127 A Number: [redacted]

Rank: Q 60 DeptID: PARK

Issue Date	Test/Qualification		Passed?
12/22/04	SUBQU	Submachine Gun - Qualification	Y
12/15/04	HGPR	Handgun - Practice	Y
09/25/04	EXTAC	Excused - Tactical	Y
08/04/04	HGPR	Handgun - Practice	Y
07/21/04	HGPR	Handgun - Practice	Y
07/19/04	HGPR	Handgun - Practice	Y
07/07/04	HGPR	Handgun - Practice	Y
06/16/04	HGPR	Handgun - Practice	Y
04/08/04	HGPR	Handgun - Practice	Y
04/07/04	HGPR	Handgun - Practice	Y
03/27/04	EXTAC	Excused - Tactical	Y
03/24/04	HGPR	Handgun - Practice	Y
02/18/04	HGPR	Handgun - Practice	Y
02/04/04	HGPR	Handgun - Practice	Y
01/05/04	HGPR	Handgun - Practice	Y
12/17/03	HGPR	Handgun - Practice	Y
10/08/03	HGPR	Handgun - Practice	Y
09/17/03	HGPR	Handgun - Practice	Y
09/03/03	HGPR	Handgun - Practice	Y
09/02/03	HGQU	Handgun - Qualification	Y
09/02/03	SGQU	Shotgun - Qualification	Y
08/06/03	HGPR	Handgun - Practice	Y
07/16/03	HGPR	Handgun - Practice	Y
07/10/03	HGPR	Handgun - Practice	Y

Name: Sawyer,Jason C Star: 1127 A Number: [redacted]

Rank: Q 60 DeptID: PARK

Issue Date	Test/Qualification		Passed?
07/02/03	HGPR	Handgun - Practice	Y
05/05/03	HGPR	Handgun - Practice	Y
03/03/03	HGQU	Handgun - Qualification	Y
09/03/02	HGQU	Handgun - Qualification	Y
03/07/02	HGQU	Handgun - Qualification	Y
09/27/01	HGQU	Handgun - Qualification	Y
03/05/01	HGQU	Handgun - Qualification	Y

End of Report

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San Francisco Police Department
Officer Range Summary Report

Report ID: SFSTR020
Reporting for: [redacted]

Run Date: 10/30/14 13:59

Name: Schiff,Richard Henry
Star: 1988
A Number: [redacted]

Rank: Q 2
DeptID: CENT

Issue Date	Test/Qualification		Passed?
05/09/14	HGQU	Handgun - Qualification	Y
03/25/14	HGPR	Handgun - Practice	N

End of Report

SFDPA - 0179-14 - 001413

San Francisco Police Department
Officer Range Summary Report

Report ID: SFSTR020
Reporting for: [redacted]

Run Date: 10/30/14 14:01

Name: Morse,Roger C Star: 1923 A Number: [redacted]

Rank: Q 2 DeptID: POTR

Issue Date	Test/Qualification		Passed?
05/27/14	HGQU	Handgun - Qualification	Y
03/27/14	HGPR	Handgun - Practice	N
11/27/13	HGQU	Handgun - Qualification	Y
11/27/13	SGQU	Shotgun - Qualification	Y
05/31/13	HGQU	Handgun - Qualification	Y
11/13/12	SGERIW	Shotgun - ERIW	Y
11/13/12	HGQU	Handgun - Qualification	Y
05/30/12	HGQU	Handgun - Qualification	Y
05/30/12	SGQU	Shotgun - Qualification	Y
11/29/11	HGQU	Handgun - Qualification	Y
05/31/11	HGQU	Handgun - Qualification	Y
05/31/11	SGERIW	Shotgun - ERIW	Y
11/30/10	HGQU	Handgun - Qualification	Y
11/30/10	SGQU	Shotgun - Qualification	Y
05/13/10	HGQU	Handgun - Qualification	Y
11/25/09	SGERIW	Shotgun - ERIW	Y
11/25/09	HGQU	Handgun - Qualification	Y
05/14/09	HGQU	Handgun - Qualification	Y
05/14/09	SGQU	Shotgun - Qualification	Y
11/25/08	HGQU	Handgun - Qualification	Y
05/29/08	HGQU	Handgun - Qualification	Y
05/29/08	SGQU	Shotgun - Qualification	Y
01/29/08	HGPR	Handgun - Practice	Y
11/29/07	HGQU	Handgun - Qualification	Y

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Oct. 30. 2014 1:19PM SFPD No. 8705 P. 11

San Francisco Police Department
Officer Range Summary Report

Report ID: SFSTR020
Reporting for: [redacted]

Run Date: 10/30/14 14:01

Name: Morse,Roger C
Star: 1923
A Number: [redacted]

Rank: Q 2
DeptID: POTR

Issue Date	Test/Qualification		Passed?
05/31/07	SGQU	Shotgun - Qualification	Y
05/31/07	HGQU	Handgun - Qualification	Y
11/28/06	HGQU	Handgun - Qualification	Y
11/28/06	SGQU	Shotgun - Qualification	Y
05/27/06	EXOT	Excused - Other	Y
05/18/06	SGERIW	Shotgun - ERIW	Y
11/26/05	EXOT	Excused - Other	Y

End of Report

SFDPA - 0179-14 - 001415

Oct. 30. 2014 1:20PM SFPD No. 8705 P. 12

San Francisco Police Department
Officer Range Summary Report

Report ID: SFSTR020
Reporting for: [redacted]

Run Date: 10/30/14 13:56

Name: Chew,Nathan L Star: 2088 A Number: [redacted]

Rank: Q 2 DeptID: INGL

Issue Date	Test/Qualification		Passed?
06/30/14	HGQU	Handgun - Qualification	Y
03/25/14	HGPR	Handgun - Practice	N
12/31/13	HGQU	Handgun - Qualification	Y
06/28/13	HGQU	Handgun - Qualification	Y
12/31/12	SGERIW	Shotgun - ERIW	Y
12/31/12	HGQU	Handgun - Qualification	Y
06/26/12	HGQU	Handgun - Qualification	Y
12/28/11	HGQU	Handgun - Qualification	Y
06/09/11	SGERIW	Shotgun - ERIW	Y
06/09/11	HGQU	Handgun - Qualification	Y
12/23/10	SGQU	Shotgun - Qualification	Y
12/23/10	HGQU	Handgun - Qualification	Y
10/07/10	HGPR	Handgun - Practice	N
06/23/10	HGQU	Handgun - Qualification	Y
12/23/09	HGQU	Handgun - Qualification	Y
06/29/09	HGQU	Handgun - Qualification	Y
12/16/08	HGQU	Handgun - Qualification	Y
06/30/08	HGQU	Handgun - Qualification	Y
06/30/08	SGQU	Shotgun - Qualification	Y
03/13/08	SGERIW	Shotgun - ERIW	Y
12/30/07	EXOT	Excused - Other	Y

End of Report

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OIS

STATEMENT OF [redacted]
DATE: SEPTEMBER 3, 2014

POLICE INCIDENT REPORT NO: 140-240-512

Q: The time is approximately 11:10 a.m. on September 3, 2014. This is Investigator Jim Posada of the San Francisco District Attorney's Office. I am about to interview [redacted] in reference to case number 140-240-512. And ah, good morning [redacted]

A: Good morning.

Q: And thank you so much for taking the time to meet with me regarding this case.

A: Sure.

Q: Um, and we are currently located at [redacted]. And can you please spell your name for me?

A: [redacted]

Q: Okay. And do you know what your Driver's license or I.D. number is?

A: Yes. It's [redacted]

Q: Okay. Thank you. And what is your birthdate?

A: [redacted]

Q: Okay. And what is your current residence address?

A: Ah, [redacted]

Q: Okay. And your current- a good cell phone number where we could reach you if need be.

A: [redacted]

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DISTRICT ATTORNEY

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Q: Okay. And are you currently employed?

A: Yes.

Q: Okay, where do you work?

A: At a company called [redacted] They're a [redacted]

Q: Okay. And that's in [redacted] you said?

A: Yes.

Q: Okay. And like I said, thank you for reaching out to San Francisco Police regarding information you might have regarding a shooting. Okay and I'm assuming that's what we're meeting about?

A: Yes.

Q: Okay. And on March 21st of 2014, were you in San Francisco?

A: Yes.

Q: And do you remember witnessing anything out of the ordinary that day?

A: Yes.

Q: Okay. And what did you witness?

A: I witnessed Alex Nieto on Bernal Hill and a lot more of his actions that day.

Q: Okay. And around what time did you witness this?

A: I believe it was approximately 7:01 p.m.

Q: Okay. 7:01 so you have a pretty detailed idea of the time. Is there something that helped you remember the specific time?

A: I'm not sure why I didn't call 911. I called San Francisco Non-emergency police after my run-in with Mr. Nieto.

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Q: I see. So you called the Non-emergency number.

A: And I recall that that number went out - that call went out about 7:05. It must- and it was -would have been three or four minutes after I encountered the gentleman.

Q: Encountered with Mr. Nieto.

A: Yeah.

Q: Okay. Um, and were you alone or with someone when you encountered Mr. Nieto?

A: I was alone. I had my dog. I have pictures into the encounter.

Q: Okay. And what happened?

A: I was ah, going on my evening dog walk up Bernal Hill which is very dog friendly and generally allows dogs to be off leash. So my dog was off leash. We'd had gone to the top of the hill and we're descending and there are -I ah, there's a water fountain at the top and then there's - there's some benches just a little bit farther down the hill from there. Ah, Mr Nieto was coming up the dirt path next to those benches and he had a bag of chips.

Q: Okay.

A: And my dog thinks that everybody there is- has treats for her so she approached Mr. Nieto and he seemed disturbed by the dog approaching her, and I also noticed his -from his clothing, that he could have been -I don't know how much you want me to say if it's hearsay or-

Q: Yeah, yeah, whatever you remember seeing.

A: From my experience at [redacted] he was dressed very similarly to members of the Berkeley Westside XIV gang. He was

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wearing a red - a red windbreaker and a black hat and he seemed like somebody I didn't want to approach so I quickly back to me. She came back, and Mr. Nieto kept going down the hill. At that point I decided, ah, I actually saw a cute girl run by and I decided to go and take my dog and maybe follow her a little bit and see if could strike up a conversation. At that point I was a little distracted from my dog and she continued to follow Mr. Nieto down to the next set of benches. And there's a stairwell that goes down the west slope of the hill in-between those sets of benches. So Mr. Nieto became very, ah, very defensive of the dog and he started to become -I don't know quite what the words are- um, erratic in his behavior. He jumped up on the next set of benches and was waving his hands around and my dog was barking at him a little bit because she was now scared of him and I was trying to call my dog back and at that point as I begin to approach him and the dog near the benches he lifted his windbreaker and shirt and exposed to me what appeared at the time to be a pistol in his belt. And at which point I was quite afraid. I was calling my dog back. He then removed the item from the holster and I was very afraid at that point thinking that he did have a pistol but I could tell by the size of -the top portion of the item -that it was a stun gun. Now what they posted in the newspaper where it has yellow markings is not what he had. It was all black from my recollection.

Q: Okay.

A: It looked very much like a pistol. To somebody's who's not -hasn't seen many of these things there's no reason to believe it wasn't a handgun.

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Q: Okay.

A: And so he aimed it at my dog first. I asked him please do not shoot my dog with the stun gun. He then aimed it at me. My dog was maybe five feet away. I was maybe 20 feet away. He aimed it at me. He was very aggressive with his -with his words, you know, fuck you motherfucker, come on, get some. What do you want? Bitch. You know, ah, talking shit. Thankfully my dog came back to me. I leashed her and we descended the stairs that were in-between those benches at which point I could still hear him taunting me very aggressively and as soon as I was down one flight of stairs I got my phone out and I - I have no idea why I didn't call 911 but I called Non-emergency police and returned to my home. I couldn't get through to Non-emergency police.

Q: Okay.

A: But that's-that's basically the story.

Q: Alright. So I'm gonna back you up a few things and make sure that I understand everything correctly.

A: Um hmm.

Q: Um, so when you initially saw -now you're referring to this -this fellow as Mr. Nieto, correct?

A: Yes.

Q: Let's start with his description. What do you remember him as?

A: I remember him as in early 20's, Latino male, and probably in the range of six feet tall.

Q: Okay.

A: Ah, might have had some facial hair. I don't- I don't recall whether he had a small amount of facial on the front.

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Q: Sure. Now you mentioned he was wearing a red windbreaker?

A: Yes. From my recollection he was wearing a red windbreaker and I do recall that because I thought, you know, hey, my dogs going after this guy with the chips, let's not mess with him. He looks like he could be- from my experience with high school and having some gangs in the high school, he -he's dressed like he may be affiliated with gangs.

Q: Okay. Um, and you recall the color of his pants or what his pants he was wearing?

A: You know I think they were black.

Q: Okay.

A: But- and I recall he did have a black hat on.

Q: Okay.

A: Black hat, red windbreaker but the pants are a fuzzy memory for me.

Q: Okay. Possibly black you said?

A: Yes.

Q: And the ball cap you said - was it a ball cap or other type of cap?

A: A ball cap, yeah.

Q: Okay.

A: I didn't -I couldn't tell what emblem was on the front but yeah, like a baseball style hat.

Q: A baseball style hat, okay.

A: Yeah.

Q: And you mentioned that he -so he's coming up the hill, you're going down the hill with your dog.

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A: Um hmm.

Q: Your dog is of leash.

A: Um hmm.

Q: Um, and as he sees you approaching your dog approaches and he's holding a bag of chips you said in his hand.

A: Yeah, he's eating chips.

Q: And he looks like -this fellow became upset when your dog approached him.

A: Yeah.

Q: And he jumps on some benches?

A: At first he didn't. He - I called my dog back- I got distracted by the girl, like lost attention to my dog for a brief second, as she continued- she wanted the chips really bad, she wanted treats so she followed him and he just kept going, walking down to the next set of benches at which point he jumped up on the them, waving his arms around, just incredibly erratic and then upset at the dog's behavior.

Q: Okay. Do you remember what he was yelling or-

A: At that point I don't. I was just focused on getting my dog back but, you know.

Q: Okay. And as you- about how far away were you when he jumped on the benches?

A: Ah, I was probably 40 feet and then after he jumps on the benches I closed another 20 feet.

Q: And you were approaching to grab your dog.

A: Yeah, yeah, just trying to get -trying to get the dog as quickly as possible. I stopped approaching when he lifted his shirt and exposed whatever weapon he had.

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Q: Okay. So he lifted his jacket-

A: Yeah, jacket and shirt.

Q: And his shirt.

A: Um hmm.

Q: And when he did that, you saw what looked like a pistol to you?

A: It definitely- I assumed it was a pistol at that point.

Q: And it was on his belt line or somewhere else?

A: Ah, the front- let's see if he's facing this way- it'd be the front right.

Q: On the right side? Okay.

A: Part of ah, you know just to the right of the belt buckle. Just very similarly one would, you know carry a concealed pistol or handgun.

Q: Pistol. And then you're referring with your hands to your right waist.

A: Yes, on the waistband.

Q: So on the waistband, is that correct?

A: Um hmm, yeah.

Q: Okay so you see this object that looks like a pistol to you and you believe it was a pistol and he- at that point what- about how far are you when you saw that?

A: About 20 feet, 20, yeah.

Q: 20 feet, okay. And what happened then?

A: I was pretty paralyzed for a brief second. You know, scared. I thought, oh crap and this guy's got a pistol. I just keep yelling for my dog to come back to me. She's kind of obsessed with getting some chips. There are other people on the

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hill who kind of dole out treats all the time so it's sort of something she's-

Q: Kind of standard for that park.

A: Yeah. She's used to it. And then she was also being now because of his behavior being so erratic had become defensive and was- was barking at him to alert me. She was being a little defensive of me.

Q: Sure.

A: She's a [redacted]. She's not aggressive but they're very vocal so she was alerting me to this odd behavior and so I thought, oh crap. He then- I'm pretty paralyzed- he then removes the object which I assumed was a pistol. At that point it was all black, it looked like a pistol but I was close enough so after he pulled it out and aimed it at my dog and I could see it in profile, the top part of it was the size of a stun gun. I could tell it was the type of stun gun that shoots out the cord with the attaching (inaudible) but only I seen it in profile was I able to tell for sure what it was.

Q: Okay. So up until that point you thought it was a pistol.

A: Yeah.

Q: And what did he do with it? You mentioned that he pointed it at your dog first?

A: He initially pointed it at my dog. I yelled at him, I said, please do not shoot my dog with the stun gun. She's not aggressive. She just wants some chips. At that point he then turned and aimed it at me. And I'm pretty sure I was out of range for it so I wasn't too afraid at that point but didn't want

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to get any closer to him and I just kept calling my dog and his language then turned to me, you know, fuck you- I mean I can't recall quote-unquote but things like fuck you, you know, come at me. Come on. What do you want. Ah, that kind of thing.

Q: So he became challenging at that point.

A: Incredibly, yeah.

Q: Not to get you and your dog to back up but he started challenging you.

A: Yes.

Q: To -

A: Yeah.

Q: To fight him or to - I don't want to misunderstand you.

A: Yeah, yeah to like, you know, to not- I didn't know what the point was. Just more gloating about, I'm the man, I have this thing, you know, come at me if you want. I'll, you know, and I'll shoot you with it if you do. And as I was walking away, you know, that's right motherfucker, fuck you- you know.

Q: Sure.

A: That kind of thing.

Q: Okay. And where was the girl at this point that had- was she in the area or she had ran off?

A: She had ran past -yeah. She was a fast runner.

Q: Long gone.

A: Yeah. Long gone.

Q: And when he pointed what you believe was a pistol at first and you later- when you realized it was taser, had you ever seen tasers before?

A: Online only, yeah.

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Q: So you had seen them before. Um, about how far away were you from him when you realized it was a taser from the profile view.

A: Still about 20 feet.

Q: 20 feet.

A: After- after he brandished the weapon I didn't approach any further. But there wasn't any time to back up any further either.

Q: Okay. And when he's pointing it at you he-correct me if I'm wrong- ah, I'm gonna paraphrase if I understood correctly- please correct me. So he said, I'm gonna- fuck you motherfucker or-

A: Yeah.

Q: Something to that effect.

A: Something like that, yeah.

Q: Okay.

A: Yeah.

Q: Um, and had you ever seen this man before?

A: No.

Q: And up until the point where you saw the profile of the object from about 20 feet you believe it was a pistol?

A: Yes.

Q: And -how can I phrase this. Did this man's action- well, did this man's action and what he said to you make you fear for your safety?

A: Yes. Very much so.

Q: Okay. And did you see the man interact with anyone else?

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A: I did not.

Q: And after this ah, individual threatened you, you mentioned that you went down the stairs as you were calling the Non-emergency police line.

A: Right.

Q: Is that correct? And what did you do after that? Did you leave the park? Did you stick around?

A: I left the park. I returned home. I called Non-emergency numerous times and I couldn't get through and I actually (inaudible). I think I maybe texted a friend, ah, who also takes her dog up to the park and said, you know, stay away from the park. This is what happened.

Q: Okay. So my next question was did you warn any other park goers you encountered after seeing this man?

A: Let's see. My recollection is a little fuzzy about that. I think there may have been some people coming up the stairs as I was going down and I told them not to go up. And I definitely texted my friend, ah, who is named [redacted] ah, who has a [redacted] she walks him on Bernal Hill a lot not to go up and that's what happened.

Q: Okay. So the people that were coming up the stairs, ah, what do you remember warning them about it if you recall?

A: If I had said anything, it was, there's a guy who's acting very erratic. He has a stun gun up there. You know, don't - maybe not go up right now.

Q: Okay.

A: I -either that -the - my memory from getting from the

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park back home is a little- is definitely fuzzy there.

Q: Sure.

A: Yeah.

Q: And you were a little shaken up I would imagine.

A: I was- I was pretty shaken up, yeah.

Q: Okay.

A: Yeah.

Q: And these people going up the stairs, you warned them not to go up the hill?

A: Yes.

Q: And did you see police arrive at the park?

A: I had -I saw police at the top of the park and there's often times a patrol going through. I recall perhaps maybe more than usual that day, like maybe two patrol cars or maybe officers on- I recall a larger police presence than usual that day.

Q: Okay. And just kind of not a result of this incident though?

A: Yeah. This is before I ran into Mr. Nieto I saw police at the top of the hill and I think they were driving back down the hill. Generally there's - I see a patrol car there a lot. They drive-

Q: They patrol the area.

A: Yeah, yeah.

Q: Okay. Um, but after the incident do you remember seeing police arrive at the park? After your encounter with this man?

A: No, no. I had left.

Q: You left.

A: Immediately, yeah, yeah.

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Q: So could you see a police encounter this man?

A: No.

Q: And did you - well how shortly after leaving down the stairs ah, in your encounter with this man did you -would you say you left the park? Within five minutes, ten minutes?

A: Yeah, I mean immediately.

Q: Immediately, okay.

Q: And did you hear anything after your encounter with Mr. Nieto or with this man?

A: I'm surprised I didn't but I do leave about -live- sorry- live about two minutes away from the park walking and my apartment at the time was down a few flights of stairs so it was very hard to hear anything from the street.

Q: So you didn't hear any gunshots?

A: I did not, no.

Q: And did you hear any yelling?

A: I did not, no. No. I read the newspaper article the next day about the shooting.

Q: Okay.

A: That was my- that was the next I heard of it.

Q: Okay. Um, and [redacted] um, I don't have any other questions at this time. Is there anything else that you think is important that I didn't ask you about the incident? Anything else unusual that you saw with this man?

A: Ah, I- you know I just wanted to stress that I -the object looked very much like a pistol especially not in profile. From straight on. His behavior was incredibly aggressive and just erratic as if - I assumed he was on some sort of stimulant

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drug or you know having some sort of mental issue at the time or both. That was incredibly clear and I was fearful of my life and my safety and my dog's life and safety at the time of the encounter very much.

Q: Sure. And I'm glad- I'm glad you mentioned that. I'm gonna bring you back a little bit. So you mentioned that you believed um, it looked like he may have been high on something?

A: Yeah.

Q: Or may have had some mental issues. What specifically, if you could put your finger on any behaviors or anything that he said that kinda lead you to believe that?

A: I'd say more the way that he was holding his shoulders very tight and the quickness of his movements and the erratic nature of his movements. I mean maybe -the only word I can think of he was bugging. Ah, you know, just like -like you see, you know, crack heads on the street, like moving really quickly and erratically. He was -his- It was not, you know, a normal, relaxed posture or movement.

Q: Okay. And do you think that -now your dog- was your dog aggressive when he first encountered him? Was he wagging his tail? I mean what, you know.

A: On the first encounter she was, you know, really pleased. Oh, here's another guy with treats. And for somebody who doesn't know [redacted] behavior, ah, I can understand how he would have thought that she was being very aggressive. She was being defensive of me- not aggressive with him. But to - I can't expect anybody to know that and it was, I feel, for a few months I racked myself with guilt about did I contribute to

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this young guy's death and did, you know, did myself and my dog have something to do with this and felt terrible.

Q: But without second guessing that, as you saw him coming up the hill, was he already erratic, rigid?

A: Yeah, you know, turning around a lot very quickly and frequently- rigid and erratic with his movements, yeah.

Q: Okay. And have you ever seen people that have been high on drugs? Do you have any experience having seen-

A: Yeah, definitely. I mean we have a satellite office for my company in [redacted] on [redacted] so you know any time I go there, sure.

Q: You've grown accustomed to seeing how people when they're high their behaviors and their body motions and whatnot.

A: Yeah, yeah, yeah.

Q: And from you having seen that type of behavior in the past I'm gathering this lead you to believe that this individual may have been either high or-

A: It was instantly clear.

Q: And you said something possibly mental issues.

A: Yeah. I mean generally those two go-

Q: Without guessing, just on what you saw.

A: Um hmm.

Q: That's what you-

A: Generally those two go hand in hand so that was my assumption. I, you know, instantly from his posture and movements could tell there was something off, either drugs or mental issue or both. But my first- my first guess was some sort of strong stimulant drug.

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Q: Okay. I have no other questions of you at this time [redacted] Anything else you think or that's it?

A: I think that's it.

Q: That's pretty much everything.

A: Yeah.

Q: Okay. So I'm gonna be going off tape right now, okay?

A: Okay.

Q: And the time is 11:34. This concludes the interview with [redacted] END OF INTERVIEW.

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[redacted]

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OIS -INVESTIGATIVE

STATEMENT OF [redacted]
DATE: SEPTEMBER 30, 2014

POLICE INCIDENT REPORT NO: 140-240-512

Q: The time is 9:04 in the morning of September 30, 2014. This is Investigator Jim Posada of the San Francisco District Attorney's Office. I'm about to interview [redacted] at [redacted] in reference to case number 140-240-512. Good morning [redacted].

A: Morning.

Q: Is it [redacted]?

A: [redacted]

Q: [redacted] okay. And if you can please spell your name for me.

A: [redacted]

Q: Okay.

A: [redacted] You pronounced it correctly.

Q: Oh thank you, okay. I usually get it wrong. And your driver's license or I.D. number if you know it by heart.

A: It's [redacted]

Q: Okay.

A: [redacted]

Q: [redacted]

A: [redacted]

Q: Okay. And what is your birthdate?

A: [redacted]

Q: Alright. And this [redacted] that we're at now, correct? And what is a good phone number to reach you at?

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A: [redacted]

Q: Okay. And are you acquainted with an individual by the name of [redacted]?

A: Yes. He was [redacted]

Q: Okay. [redacted]

A: Um hmm.

Q: Or is he [redacted]

A: [redacted]

Q: Alright. [redacted]

[redacted]

A: I as you know have a giant dog and I'm up on Bernal Hill once, maybe twice a day and I meet people with dogs all the time. And I met [redacted] met [redacted] dog first and our dogs really hit it off and so I would see him dog walking and then alter on he, you know, he started helping out with my dog and so we became friends.

Q: Dog walking buddies then.

A: Yeah, exactly.

Q: Alighty. And how long had you known him or have you known him?

A: Not long. I think he moved into the neighborhood in October and I believe I met him at the end of November and just ran into him and then really, um, didn't get to talking to him probably until like maybe January or February.

Q: Okay. So would it be sfae to say what, about three, four months or a little bit longer or a little less?

A: January, February- yeah, probably three, four months.

Q: Okay.

A: Six months maybe.

Q: Okay six- so about six months?

A: It's hard to say because it was-

Q: Three to six months?

A: Yeah.

Q: Okay. Fair enough.

A: Okay.

Q: And had you previously communicated with him via text messaging?

A: I think so probably to coordinate dog walking-

Q: Okay.

A: At that point. I looked at my texts from him yesterday and I don't have any texts from him from before May 16th. They all got deleted or erased so I don't have any-I don't' really recall.

Q: Fair enough, okay. And your phone number back in March of 2014, is that that same cell phone number you gave me, [redacted]

A: Uh huh.

Q: And that's [redacted] area code right?

A: Yes.

Q: Okay. And in March of this year do you remember receiving a message from him warning you to stay away from somewhere?

A: No. I don't remember him sending me a warning text. I got a text- do you want me to tell you what I got?

Q: Yes please.

A: Oh okay. Um, I was out with friends and I got a text

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from him around seven and he said that he, ah-basically he said something like, some- and then I think he used some like derogatory term-

Q: Please don't be shy about it or anything like that.

A: Oh okay. He said- but I don't- no, I don't know the word, I don't remember because I don't-I didn't even know the word but it seemed it was like, it meant like, kinda like gangster or something but I'm not sure. Some (blank) um, just tried to taze me and [redacted] up on the hill.

Q: Okay. And was this back in March he sent you this text?

A: Yeah.

Q: And it's a text message if I understand you correctly, right?

A: Yeah.

Q: And it was something to the effect of, some (blank) or similar to gangster or something.

A: Street kid, yeah, I don't know the term.

Q: Somewhere along that line.

A: Yeah.

Q: And, just tried to taze me and [redacted] being his dog?

A: His dog, [redacted] yeah.

Q: Okay. And you remember this text came through at about seven p.m. or seven a.m.?

A: Seven p.m. and um, I remember a lot because of what he said kind of afterwards in the fact that I woke up the next morning and opened my computer and read S.F. Gate and read about what happened on the hill. And I looked at the time. Apparently this kid that was shot in a time that [redacted] sent me a text because

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I was- I thought it was an, you know, I couldn't believe the coincidence and I didn't know what happened. Um-

Q: Okay. And that's when you looked at your text and remembered-

A: And I saw the time difference was like, I want to say like six to eight minutes between when I got the text from him and when I read the kid was shot.

Q: Okay. So - and if I get anything wrong please by all means correct me. So you get the text message, you're out with friends around seven p.m. You didn't think much of it other than- .

A: No. I did because what he- because I didn't know [redacted] well. About a few days before he sent that text I was out walking my dog with him and he somehow mentioned that he owned guns. And I am completed anti-gun and I was just kinda like, okay, that's really weird. Why does he have guns. And when I got text from him he said something like, this, you know, whoever, just tried to taze me and [redacted] something like, I want to go get my gun. Or if I had my gun I would have shot him.

Q: Sure.

A: And that's what really stuck out at me because I didn't -I said to him, I think what I said was, that sounds really scary, um, sorry, that sounds really scary but that's a really bad idea.

Q: Sure.

A: And he must have freaked out but that's why it stuck out in my head because I don't know anyone else who would say that.

Q: Okay. Got you.

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A: So it stuck out.

Q: Now that was in the text message that -the gist of the text message was, some gangster type tried to taze me and [redacted] If I would have had my gun I would have shot him.

A: Yeah.

Q: Okay, fair enough.

A: And I don't know if -and not knowing him enough I don't know if he was just -I'm sure he was -I don't even know like if he was saying that out of being scared or you know, I don't know.

Q: Sure. And did he -

A: But that's why I was just like, what? You know, was really -

Q: Right, right. Okay. And did he tell you where he was at this time or the text message that was pretty much it.

A: Yeah I think so.

Q: And-

A: Yeah. I kinda think I went into like why I thought it was a bad idea to shoot someone. I don't know. I can't remember anything beyond that.

Q: Sure. Got you.

A: Yeah.

Q: Okay. But the -the -from the gist of the text did it seem clear to you where the incident happened?

A: I think he said Bernal Hill, up on the hill.

Q: He did. In the text he said it was Bernal Hill?

A: I think so.

Q: Okay.

A: Or just, the Hill, which would -

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Q: Which you understand-

A: Uh huh.

Q: To be Bernal Hill.

A: Yes.

Q: And um, is there anything else you remember about that text that you think is important?

A: I wish I still had it. I think maybe he said he was gonna call the police. Um, you know, the next day he told me he tried to call the non-emergency police number but couldn't get through.

Q: Okay, he told you he called the next day or he told he had called -

A: He told me he had called when he got home that night.

Q: Okay.

A: And tried to get through the non-emergency number and no one answered.

Q: Okay. And that's when you had a conversation with him the following day?

A: I had a conversation- I called him after I read that article and was like, what happened? And then he told me he had tried to call the police- he was really scared- he tried to call the police to let them know this guy had a tazer and -

Q: Sure. But this was the following day but on the-

A: This was the following day.

Q: Day of it was the text message.

A: Yeah the day of that was- right.

Q: The um, the gangster remark had tazed him and [redacted] up on the Hill, um, and if he had his gun he would have shot him. In a

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nutshell?

A: In a nutshell. In a nutshell.

Q: Am I getting any part of it wrong or?

A: Well, it's the shooting part that I can't- like, you know what I mean? It's really -I think that in a nutshell that's kinda what I gathered from that or it scared me that he, you know, I knew he had a gun- he did mention something about getting his gun or something like that.

Q: Okay.

A: Yeah. I don't know if he mentioned shooting but something like getting his gun or wish he had his gun or something like that.

Q: Something other- he wished he had it or -you're not sure.

A: Yeah. Yeah, it's fuzzy.

Q: Okay. And you -before that incident, you frequented Bernal Hill park?

A: Yeah.

Q: And walking your dog I take it?

A: Yes.

Q: Okay. And um, anything else from the message he sent you? Did you take it as a warning to stay out of the park?

A: No. I took it as [redacted] had a run in with someone in the park.

Q: Got you, okay. And you said it was about seven p.m.?

A: Yeah, seven, seven oh eight maybe, seven-

Q: About seven oh eight?

A: Seven oh something, yeah.

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Q: Okay. Possibly seven oh-eight?

A: It was very -it was- yeah, I wish I had kept the text to find out what time but-

Q: Sure no problem but you remember looking at it again -

A: The next day.

Q: When you read the article in SF Gate.

A: Yeah, thinking that it was really close to that time.

Q: Okay. And in the time that you had known [redacted] had he ever texted you anything similar to that message that he sent you that evening?

A: No.

Q: And you don't- you no longer have a message on your phone, correct?

A: No. I looked last night and actually tried to run some software to recover it and it-

Q: It's gone.

A: Yeah.

Q: Okay, no problem. Um, is there anything else you think is important regarding that incident that I didn't ask you or now that we've talked about it a little bit you've had a- kinda jogged your memory a little bit?

A: About the text in particular?

Q: About the text, correct. That's pretty much it.

A: Yeah, that's pretty much it.

Q: Okay. And the date, we talked a little bit about the time that you figure, it might have been around seven oh eight that you received the test message, um, or thereabouts approximately seven oh eight.

A: Seven oh- yeah.

Q: Um, do you recall the date?

A: Um, I only recall a date because I know that um, the six month anniversary of Alex Mieto's death was the other day, the 21st and it was six months - I believe so March 21st.

Q: Okay. So you recall it possibly being March 21st.

A: Yeah. And I went to a comedy show that night and I can actually look up the date on that.

Q: Okay. Um, I have no other questions to ask you at this time.

A: Okay.

Q: So with that said I'm gonna be turning off the tape recorder, okay?

A: Okay.

Q: Alright. And the time is 9:15 a.m. and this concludes the interview with [redacted]. END OF INTERVIEW.

[redacted]

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June 30, 2014

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Report from TASER International, Inc.
Download and Electrical Analysis of P9-022639, TS# 193406

Report:

Analysis of ADVANCED TASER® M26C™ conducted electrical weapon (CEW) with serial number P9-022639. The San Francisco District Attorney is requesting a full download and functional analysis in reference to a usage on March 21, 2014 at 19:18, along with whom the CEW was originally sold to, an explanation of the laser functionality, and description of the "deployment ID" (AFID) tags. The Activation Log analysis was performed at the TASER International facility in Scottsdale, AZ on June 11, 2014. The waveform analysis was performed at the TASER International facility in Scottsdale, AZ on June 18, 2014. The serial search query was performed at the TASER International facility in Scottsdale, AZ on June 24, 2014.

ADVANCED TASER M26C Generally:

When armed, the M26C CEW's laser turns on to assist in aiming.[1] The laser points to the approximate area where the top dart from the cartridge will be deployed to. The M26C CEW does not have a flashlight (unlike the X26, X2, and X26P CEWs). When the safety switch is placed in the SAFE position, the laser will shut off.

When the M26C CEW's trigger is pulled (while armed), the weapon will activate its high voltage output and pulse for a duration of 5 seconds, or until the safety switch is placed in the SAFE position. If the trigger is held down by the user beyond 5 seconds, the CEW will continue its cycle until the trigger is released.

The M26C CEW records the timestamp of trigger activations at the beginning of the electrical output cycle for up to 585 trigger activations. The duration of the trigger

[1] The M26C CEW model can be purchased without a laser. The M26C CEW with serial no. P9-022639 has a laser.

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activations are not recorded.[2] Each data line represents a trigger activation of up to 5 seconds (but could be less). If a trigger activation is extended beyond 5 seconds (i.e., the trigger is manually held down by the user for longer than 5 seconds), a new line is recorded for each additional 5 second duration of activation.

Note that the M26C clock is set at the factory in reference to Greenwich Mean Time (GMT); however, if using a data port cable, the user can set the clock to local time using the M26 download software. Because the M26C does not record time synchronizations, TASER cannot determine if the records are in reference to local or GMT time at the time of the incident on March 21, 2014.

Additionally, because the M26C does not record time synchronizations, any potential time drift from the free-running clock between time synchronizations (if any) cannot be determined.

The M26C CEW does not contain "deployment ID tags"; however the TASER cartridges used with the M26C CEW do have 20-30 anti-felon identification (AFID) tags that can help identify to whom the cartridge was sold. The AFID tags are multi-colored, circular, "confetti" type of paper, 0.2 inches in diameter. Each AFID tag has the cartridge serial number printed on it. When an agency finds the AFID tags after weapon deployment, they can contact TASER to find out whom the cartridge was sold to and when.

M26C Serial No. Search:

A search through TASER's database showed that the M26C CEW with serial number P9-022639 was originally sold and shipped to VCP International, Inc., at 2285 Merritt Drive, Garland, TX 75041, on February 25, 2014. VCP International can be reached by phone at (972) 271-7474.

Activation Log Download and Analysis:

At the time of the Activation Log analysis, the clock of the M26C CEW with serial number P9-022639 was read and compared to the current time on the website www.time.gov. The time proved to be ahead by 6 hours 52 minutes, and 18 seconds, indicating that the clock is likely referenced to GMT, but was 7 minutes and 42 seconds behind at the time. The exact clock drift on March 21, 2014 for this M26C cannot be determined.

The enclosed Activation Log from the TASER CEW with serial number P9-022639 indicates on Lines 69 to 71, that the CEW was trigger activated 3 times on March 21, 2014 (assuming the times in the log are reference to GMT).

---

[2] The Activation Log does not contain information about whether or not the M26C CEW or cartridge made contact with a target. It only records trigger pulls.

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If no time synchronizations were conducted, and the enclosed Activation Log's timestamps are referenced to GMT, conversion to local Pacific Standard Time (PST) and Daylight Savings would be necessary. Daylight Savings was in effect on March 21, 2014, so the conversion from GMT to Pacific Daylight Time (PDT) is GMT – 7 hours.

It is unlikely that the clock on the M26C CEW would have been changed since the factory configuration because TASER typically does not sell the required data port download interface to non-law enforcement customers. However, because we cannot determine if there was ever a time synchronization from the Activation Log, we cannot be certain if a time synchronization was ever conducted on this particular M26C.

Using the assumption that the time has <u>not</u> been changed in the M26C CEW and that the clock and timestamps in the Activation Log are referenced to GMT, applying the GMT to PDT conversion results in the following trigger activation times (not including any potential clock drift) on March 21, 2014:

- Line 69 March 21, 2014 19:14:16 PDT
- Line 70 March 21, 2014 19:14:23 PDT
- Line 71 March 21, 2014 19:14:32 PDT

Note that the Activation Log Lines 2 to 48 are activations from manufacturing tests prior to the CEW's sale and shipment.

CEW Inspection:

The M26C CEW with serial number P9-022639 was inspected for any physical damage that could impede functionality (i.e., broken safety, cracked or damaged seams, battery, etc.). The battery pack received with the CEW would not power on the weapon. The Alkaline AA batteries in the battery pack were of mixed brands and completely depleted. TASER does not recommend mixing brands/types of batteries in the CEWs. No damage other than minor dings and scratches were found on the CEW. The CEW laser was also tested and found to be functional.

CEW Electrical Analysis:

The M26C CEW with serial number P9-022639 was tested for electrical output. Testing was conducted per the *TASER Certified Test Procedure for Testing to ADVANCED TASER M26 Specifications*, version 1.0. These testing specifications also apply to the TASER M26C.

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The M26C CEW was fired into an Ohmite® LN100J500 500 Ohm Non-Inductive Resistive Load. The pulses and waveform were measured using a Tektronix® DPO3034 Oscilloscope (SN C010663), calibrated by Tektronix, Inc. with a due date of October 2014, a Tektronix P6015A High Voltage Probe (SN B059354) calibrated by Tektronix, Inc. with a due date of September 2015, and a Tektronix TCP-202 Current Probe (SN B054670), calibrated by Tektronix, Inc. with a due date of September 2015.

The TASER M26 test procedure is designed to test the critical parameters of the CEW: output Main Phase Charge; Main Phase Pulse Duration; Output Net Charge, Full Pulse Duration, and Repetition (Pulse) Rate. The test protocol uses an average of at least 8 sample pulses for analysis, i.e., about half a second of output from the CEW. For testing and evaluating the electrical output from a CEW, this sampling method improves the accuracy and consistency of the data versus simply taking a single pulse sampling of the waveform.

The alkaline batteries received with the CEW were dead and would not power up the weapon. The battery pack was found to contain depleted Alkaline AA batteries. All of the electrical testing was therefore performed with fully charged Sanyo® 2500 mAh NiMH batteries supplied by TASER International.

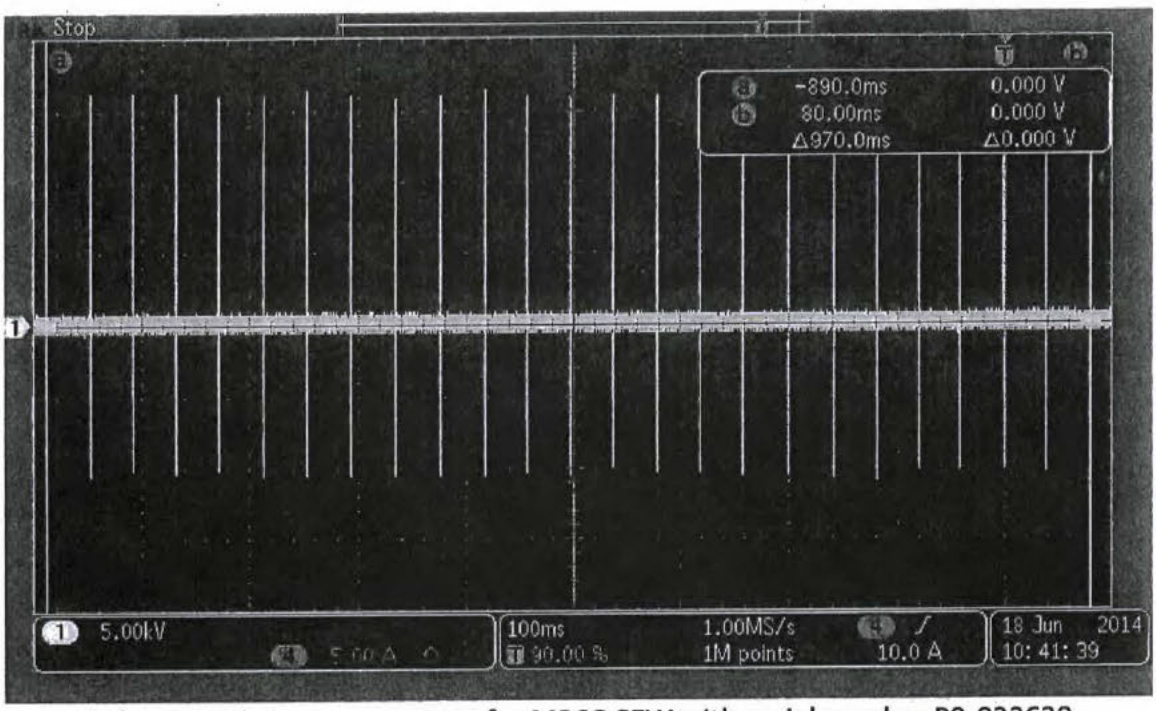
The testing performed on the CEW with serial number P9-022639 revealed that it is functioning within published specifications for Peak Loaded Voltage, Main Phase Charge, Main Phase Pulse Duration, Full Pulse Duration, Net Charge, and Pulse Rate (for NiMH batteries).

The oscilloscope screens captured from the electrical analysis testing are below, as well as, the test measurements:

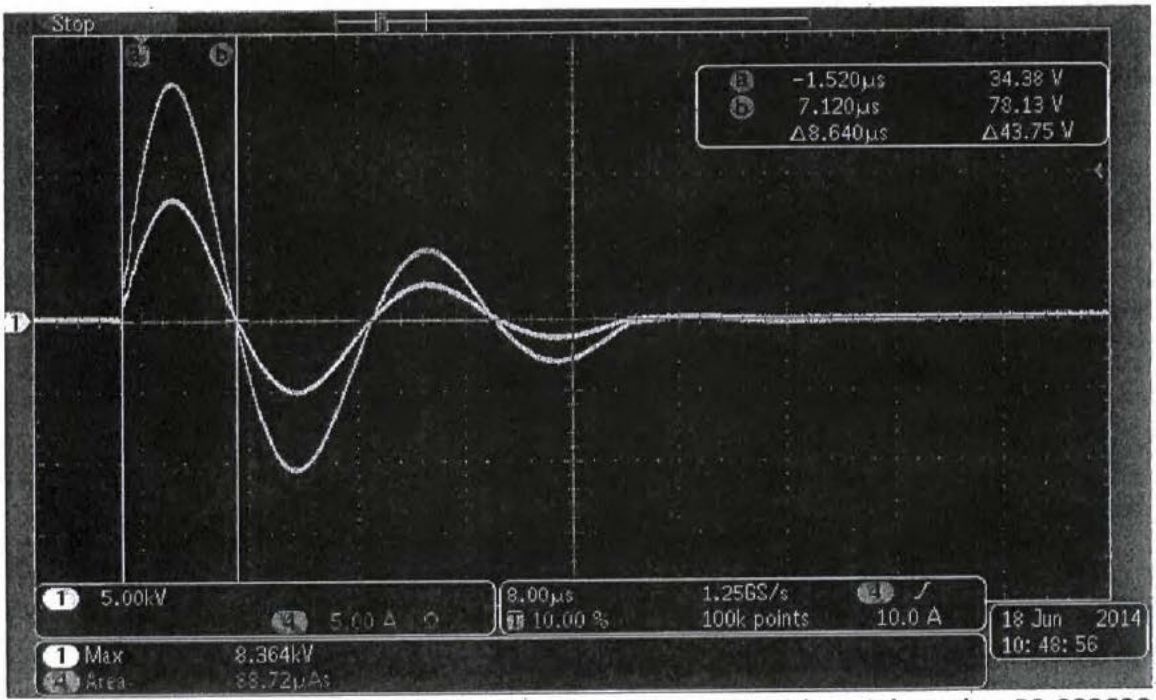
Table 1 - Output Waveform Specification Test Results for P9-022639

Item	Peak Loaded Voltage	Main Phase Charge	Main Phase Pulse Duration	Full Pulse Duration	Net Charge	Pulse Rate (NiMH batteries)
Spec Limits	6,900 to 9,400 volts	70 to 120 microcoulombs	7 to 12 microseconds	32 to 60 microseconds	15 to 55 microcoulombs	15 to 26 PPS
P9-022639	8,364	88.72	8.640	37.84	37.84	24.74

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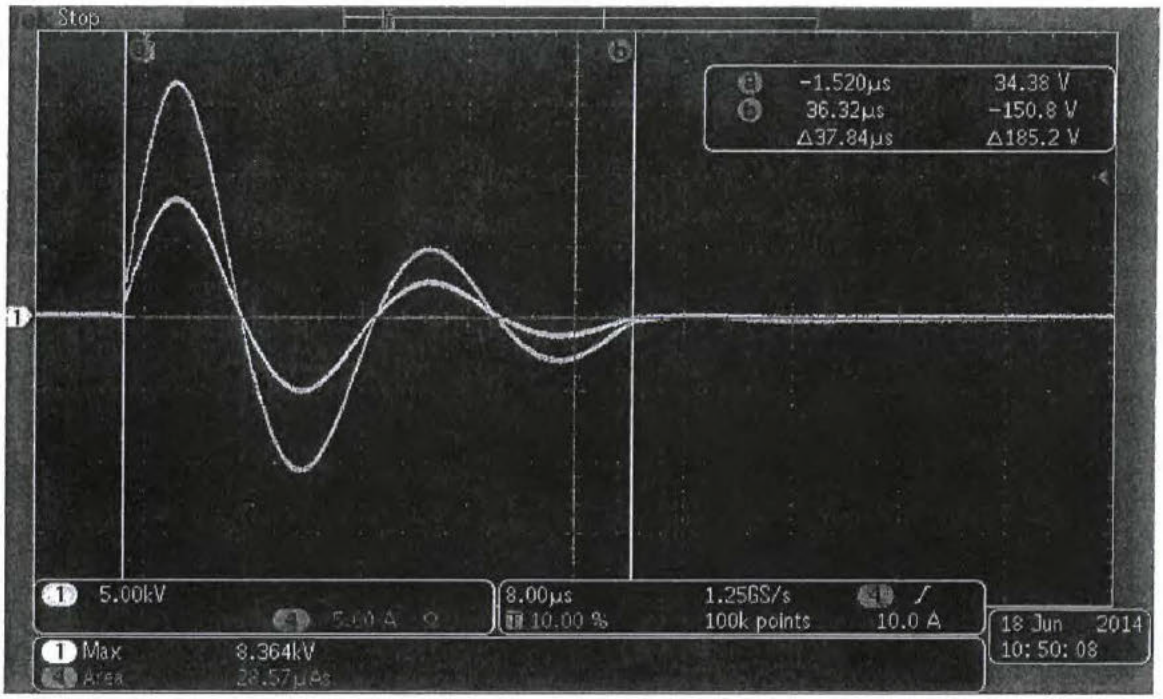


Pulse Rate test screen capture for M26C CEW with serial number P9-022639



Main Phase measurements screen capture for M26C CEW with serial number P9-022639

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Full Pulse measurements screen capture for M26C CEW with serial number P9-022639

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Conclusion:

The M26C CEW with serial number P9-022639 is recording data in the Activation Log properly as indicated by the recording of the trigger pulls during TASER International's Electrical Analysis on June 18, 2014. However, TASER International cannot determine with certainty that prior data entries were recording in GMT or what clock drift, if any, may be associated with the data entries. Assuming the Activation Log was recording in GMT and no clock drift, there appear to be 3 trigger pulls on March 21, 2014.

The M26C CEW was tested for functionality and was found to be fully functional once fresh batteries were inserted. The laser was tested and found to be fully functional.

The M26C CEW was inspected for any damage that may impede functionality and no damage, aside from minor dings and scratches were found.

The M26C CEW was tested for the electrical output to published specifications. All measurements were within specifications.

The M26C CEW is being returned 'as is'.

Sincerely,



Bryan Chiles
Validation Test Manager

Enclosure: Data Download Activation Log for ADVANCED TASER M26C with serial number P9-022639 (Lines 75 to 585 contain no data therefore they do not appear on the log). Note that the trigger activations on Lines 72, 73, and 74 were from the Electrical Analysis conducted by TASER International on June 18, 2014.

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ADVANCED TASER M26 Activation Log

Device Serial Number [P9-022639]
Line 001) Data Record not initialized
Line 002) 11/26/13 13:56:54, Tuesday
Line 003) 11/26/13 13:57:00, Tuesday
Line 004) 11/26/13 13:57:11, Tuesday
Line 005) 11/26/13 13:57:18, Tuesday
Line 006) 11/26/13 13:57:24, Tuesday
Line 007) 11/26/13 13:57:30, Tuesday
Line 008) 11/26/13 13:57:37, Tuesday
Line 009) 11/26/13 13:57:44, Tuesday
Line 010) 11/26/13 14:23:44, Tuesday
Line 011) 11/26/13 14:23:50, Tuesday
Line 012) 11/26/13 14:23:56, Tuesday
Line 013) 11/26/13 14:24:02, Tuesday
Line 014) 11/26/13 14:24:08, Tuesday
Line 015) 11/26/13 14:24:14, Tuesday
Line 016) 11/26/13 14:24:20, Tuesday
Line 017) 11/26/13 14:34:08, Tuesday
Line 018) 11/26/13 14:34:14, Tuesday
Line 019) 11/26/13 14:34:20, Tuesday
Line 020) 11/26/13 14:34:27, Tuesday
Line 021) 11/26/13 14:34:33, Tuesday
Line 022) 11/26/13 14:34:41, Tuesday
Line 023) 11/26/13 14:34:47, Tuesday
Line 024) 11/26/13 16:28:33, Tuesday
Line 025) 11/26/13 17:46:40, Tuesday
Line 026) 11/26/13 17:46:45, Tuesday
Line 027) 11/26/13 17:46:51, Tuesday
Line 028) 11/26/13 17:46:57, Tuesday
Line 029) 11/26/13 17:47:03, Tuesday
Line 030) 11/26/13 17:47:09, Tuesday
Line 031) 11/26/13 17:47:15, Tuesday
Line 032) 11/26/13 17:53:12, Tuesday
Line 033) 11/26/13 17:53:18, Tuesday
Line 034) 11/26/13 17:53:24, Tuesday
Line 035) 11/26/13 17:53:30, Tuesday
Line 036) 11/26/13 17:53:36, Tuesday
Line 037) 11/26/13 17:53:42, Tuesday
Line 038) 11/26/13 17:53:48, Tuesday
Line 039) 11/26/13 18:02:49, Tuesday
Line 040) 11/26/13 18:02:55, Tuesday
Line 041) 11/26/13 18:03:01, Tuesday
Line 042) 11/26/13 18:03:07, Tuesday
Line 043) 11/26/13 18:03:13, Tuesday
Line 044) 11/26/13 18:03:19, Tuesday
Line 045) 11/26/13 18:03:25, Tuesday
Line 046) 11/26/13 18:03:44, Tuesday
Line 047) 11/26/13 19:42:40, Tuesday

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Line 048) 11/26/13 19:43:06, Tuesday
Line 049) 03/05/14 04:36:07, Wednesday
Line 050) 03/05/14 04:36:26, Wednesday
Line 051) 03/05/14 16:45:49, Wednesday
Line 052) 03/05/14 17:34:49, Wednesday
Line 053) 03/05/14 23:14:54, Wednesday
Line 054) 03/05/14 23:15:33, Wednesday
Line 055) 03/05/14 23:15:38, Wednesday
Line 056) 03/05/14 23:16:49, Wednesday
Line 057) 03/05/14 23:16:55, Wednesday
Line 058) 03/05/14 23:17:44, Wednesday
Line 059) 03/05/14 23:17:50, Wednesday
Line 060) 03/05/14 23:18:00, Wednesday
Line 061) 03/05/14 23:48:10, Wednesday
Line 062) 03/06/14 04:41:40, Thursday
Line 063) 03/06/14 17:11:18, Thursday
Line 064) 03/06/14 17:11:43, Thursday
Line 065) 03/06/14 17:19:10, Thursday
Line 066) 03/06/14 17:19:41, Thursday
Line 067) 03/12/14 17:44:38, Wednesday
Line 068) 03/14/14 23:36:05, Friday
Line 069) 03/22/14 02:14:16, Saturday
Line 070) 03/22/14 02:14:23, Saturday
Line 071) 03/22/14 02:14:32, Saturday
Line 072) 06/18/14 17:33:11, Wednesday
Line 073) 06/18/14 17:34:11, Wednesday
Line 074) 06/18/14 17:41:03, Wednesday
Line 075) Data Record not initialized
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TASER
Protect Life

17800 N. 85th St.
Scottsdale, AZ
85255-9603

Phone: (480) 991-0797 • (800) 978-2737
Fax: (480) 991-0791
www.TASER.com

M26 Scope Data

Date: 18-JUNE-2014

Agency: San Francisco District Attorney Serial #: P9-022639

Battery type: ☒ NiMH ☐ Alkaline

Existing batteries: Pulse F N/A / N/A Δ= _____ pps - Image #TEK N/A
(# of spaces between pulses)

Full capacity batteries: Pulse F 24 / 0.970 Δ= 24.74 pps - Image #TEK 0000.PNG ✓
(# of spaces between pulses)

Peak Load Voltage = 8,364 KV ✓

Main Phase Charge = 88.72 µC ✓

Main Phase Duration = 8.640 µs - Image #TEK 0001.PNG ✓

Total Phase Duration = 37.84 µs ✓

Net Charge = 28.57 µC - Image #TEK 0002.PNG ✓

Notes:
CEW received with dead alkaline batteries. Testing conducted with NiMH batteries.

CEW is w/in Specification

DPO3034 Oscilloscope- SN C010663- Cal Due OCT-2014
TCP202 Current Probe- SN B054660- Cal Due SEP-2015
P6015A Voltage Probe- SN B059354- Cal Due SEP-2015

M26 Customer Specifications

Electrical Output Specifications with a 500 Ω Load	ADVANCED TASER M26
Peak loaded voltage	**6900–9400 volts**
Main phase charge	**70–120 microcoulombs**
Pulse rate: Alkaline	**15 + 30%/-25%**
Pulse rate: NiMH	**20 + 30%/-25%**
Pulse duration: main phase pulse duration	**7–12 microseconds**
Pulse duration: total pulse duration	**32–60 microseconds**
Net charge	**15–55 microcoulombs**

San Francisco Police Department

HOMICIDE DETAIL

WE NEED YOUR HELP

On early Friday 03/21/14, at approximately 7:00 P.M., there was a fatal shooting on the Bernal Heights Park access road on the North side of the hill. Police officers shot a man who allegedly was armed with a variety of weapons and was acting erratically. Anyone who witnessed any part of the incident or has any information is asked to call the S.F.P.D. YOU CAN REMAIN ANONYMOUS: TIP LINE 415-575-4444.

Anyone with information regarding the circumstances surrounding this incident is asked to call Inspector John Cagney of the SFPD Homicide Detail direct at (415)-734-3181- or during business hours (415) 553-1145 (Weekdays from 9AM-5PM), you can also call after hours the SFPD Operations Center at (415)-553-1071, or the anonymous tip line at (415)-575-4444

Refer to Case #: 140240512

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law governing searches and seizures.

22655.5. A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove a motor vehicle from the highway or from public or private property within the territorial limits in which the officer may act under the following circumstances:

(a) When any vehicle is found upon a highway or public or private property and a peace officer has probable cause to believe that the vehicle was used as the means of committing a public offense.

(b) When any vehicle is found upon a highway or public or private property and a peace officer has probable cause to believe that the vehicle is itself evidence which tends to show that a crime has been committed or that the vehicle contains evidence, which cannot readily be removed, which tends to show that a crime has been committed.

(c) Notwithstanding Section 3068 of the Civil Code or Section 22851 of this code, no lien shall attach to a vehicle removed under this section unless the vehicle was used by the alleged perpetrator of the crime with the express or implied permission of the owner of the vehicle.

(d) In any prosecution of the crime for which a vehicle was impounded pursuant to this section, the prosecutor may request, and the court may order, the perpetrator of the crime, if convicted, to pay the costs of towing and storage of the vehicle, and any administrative charges imposed pursuant to Section 22850.5.

(e) This section shall become operative on January 1, 1993.

22656. Any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove a vehicle from the right-of-way of a railroad, street railway, or light rail line located within the territorial limits in which the officer is empowered to act if the vehicle is parked or abandoned upon any track or within 71/2 feet of the nearest rail. The officer may also remove a vehicle that is parked beyond 71/2 feet of the nearest rail but within the right-of-way of a railroad, street railway, or light rail if signs are posted giving notice that vehicles may be removed.

22658. (a) Except as provided in Section 22658.2, the owner or person in lawful possession of any private property, within one hour of notifying, by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency, may cause the removal of a vehicle parked on the property to the nearest public garage under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than 17 by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency. The sign may also indicate that a citation may also be issued for the violation.

(2) The vehicle has been issued a notice of parking violation, and 96 hours have elapsed since the issuance of that notice.

(3) The vehicle is on private property and lacks an engine,

transmission, wheels, tires, doors, windshield, or any other major part or equipment necessary to operate safely on the highways, the owner or person in lawful possession of the private property has notified the local traffic law enforcement agency, and 24 hours have elapsed since that notification.

(4) The lot or parcel upon which the vehicle is parked is improved with a single-family dwelling.

(b) The person causing removal of the vehicle, if the person knows or is able to ascertain from the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner of the vehicle, shall immediately give, or cause to be given, notice in writing to the registered and legal owner of the fact of the removal, the grounds for the removal, and indicate the place to which the vehicle has been removed. If the vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage. The notice provided for in this section shall include the amount of mileage on the vehicle at the time of removal. If the person does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in this section, the person causing removal of the vehicle shall comply with the requirements of subdivision (c) of Section 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property.

(c) This section does not limit or affect any right or remedy which the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon private property.

(d) The owner of a vehicle removed from private property pursuant to subdivision (a) may recover for any damage to the vehicle resulting from any intentional or negligent act of any person causing the removal of, or removing, the vehicle.

(e) Any owner or person in lawful possession of any private property, or an "association" pursuant to Section 22658.2, causing the removal of a vehicle parked on that property is liable for double the storage or towing charges whenever there has been a failure to comply with paragraph (1), (2), or (3) of subdivision (a) or to state the grounds for the removal of the vehicle if requested by the legal or registered owner of the vehicle as required by subdivision (f).

(f) Any owner or person in lawful possession of any private property, or an "association" pursuant to Section 22658.2, causing the removal of a vehicle parked on that property shall state the grounds for the removal of the vehicle if requested by the legal or registered owner of that vehicle. Any towing company that removes a vehicle from private property with the authorization of the property owner or the property owner's agent shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes the vehicle under this section shall be responsible for (1) any damage to the vehicle in the transit and subsequent storage of the vehicle and (2) the removal of a vehicle other than the vehicle specified by the owner or other person in lawful possession of the private property.

(g) Possession of any vehicle under this section shall be deemed to arise when a vehicle is removed from private property and is in transit.

(h) A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of a vehicle at the request of the owner of private property or that owner's agent pursuant to this section if the owner of the vehicle or the owner's

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MANAGEMENT CONTROL DIVISION CASE

Case No. OIS 2014-004

(2) Day, Date, Time Received Friday, March 21, 2014, 19:30 hrs.	(3) How Received ☐ PERSON ☐ LETTER ☐ PHONE ☒ SFPD
(4) Complainant (Primary) Last Name First SFPD	(5) Complainant's Address City Zip ,
(6) Complainant's Home Phone/Business Phone (including area code)	(7) CDL #, D.O.B., SS#
(8) Complainant's (Secondary)	(9) Complainant's Address City Zip ,
(10) Complainant's Home Phone/Business Phone	(11) California Driver's License/Identification Card No.

(12) Place of Occurrence Bernal Heights Park at Folsom St	District of Occurrence Ingleside	(13) Day, Date, Time of Occurrence Friday, March 21, 2014, 19:11 hrs.	(14) In Uniform? ☒ YES ☐ NO ☐ UNK.

(15) Type of Misconduct
- ☒ ADMIN. INVESTIGATION
- ☐ UNNECESSARY FORCE ☐ UNWARRANTED ACTIONS
- ☐ CONDUCT UNBECOMING AN OFFICER ☒ NEGLECT OF DUTY

(16) Activity Being Performed ☐ Failure to Appear
- ☐ ARREST ☐ BOOKING ☐ CITATION WRITING ☐ CUSTODY
- ☐ INVESTIGATION ☐ OFF-DUTY ☒ PATROL ☐ REPORTS ☐ TELEPHONE
- ☐ TRAFFIC DIRECTION ☐ SECONDARY EMPLOYMENT

(17) Day, Date Assigned	(18) Investigation Assigned To	(19) Allegation Against
Friday, March 21, 2014	Sergeant Jayme Campbell #	☐ PERSONNEL ☒ PROCEDURE ☒ POLICY

Civil Svc. Class.	Person (s) and ID or Star Number (s) Involved	Assignment/Unit Involved
Q52	Sergeant Jason Sawyer #1127	Ingleside Station
Q2	Officer Rick Schiff #1968	Ingleside Station
Q2	Officer Nathan Chew #2088	Ingleside Station
Q2	Officer Roger Morse #1923	Ingleside Station

Remarks:

San Francisco Police Department incident report number: 140-240-512

CAD number: 140802955

Referred by: _____

SFPD 83-(6/85)

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(20) NARRATIVE OF INCIDENT

On March 21, 2014, at approximately 19:11 hours, the above-listed officers responded to Bernal Heights Park regarding a report of a man armed with a gun. Upon arrival the officers were confronted by a suspect who pointed a weapon at them. The officers fired their Department-issued firearms at the suspect, who was fatally struck.

(21) COMPLAINT TAKEN BY

SGT. JOHN CRUDO #1694 1694

BUR/DIV/DETAIL IAD

DATE/HOUR 3/22/14 02:41 HRS

SFPD 83-(6/85)

SFDPA - 0179-14 - 001459

- San Francisco Police Department

		APPROVED	YES	NO
To:	Gregory P. Suhr Chief of Police San Francisco Police Department	_____ _____ _____	☐ ☐ ☐	☐ ☐ ☐
From:	Lieutenant Robert Yick #1264 Commanding Officer Internal Affairs Division-Admin			
Date:	, 2014			
Subject:	Officer-Involved Shooting #14-004			

MEMBERS:

Sergeant Jason Sawyer #1127

Officer Richard Schiff #1968

Officer Roger Morse #1923

Officer Nathan Chew #2088

TYPE OF INVESTIGATION:

Administrative– Officer-Involved Shooting

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Internal Affairs Division
CHRONOLOGICAL RECORD OF INVESTIGATION

D CASE: OIS 14-004	DATE OF INCIDENT: 03/21/14	MEMBER INVOLVED: Sawyer, Schiff, Chew, Morse
3304 DATE:	DETAIL IAD	INVESTIGATOR ASSIGNED: Sergeant Jayme Campbell #759

DATE	TIME	ACTIVITY
03/21/14	1930	I received a phone call from Lt. Yick advising me of an OIS at Bernal Heights Park.
	1940	I contacted DOC to get more information on the incident and was advised Officers were in an OIS, that the suspect was in custody and that the officers were ok. I advised who I was and that I've been notified.
	1945	I contacted Sergeant Crudo to advise him of the call-out. I responded to IAD Office at 850 Bryant St. and printed out the preliminary CAD of the incident. Initial call came out at 1911 hrs of a LMA in a bright red jacket, 6'1, 200lbs, blk pants, has a gun on his hip, black handgun.
	2030	I arrived at the scene of the incident and met with Captain Pedrini who gave me a preliminary brief of the incident. I then learned that the suspect was deceased. A crime scene had been established on the north access road leading into Bernal Heights Park. Units on scene including but not limited to: Homicide, CSI, MAIT, D.C. Tomioka, D.C. Sainez, Commander Moser, Captain Fox, and several other members. The Medical Examiner responded and was on scene. The involved officers, Sergeant Sawyer #1172, Officer Rick Schiff #1968, Officer Nathan Chew #2088, and Officer Roger Morse #1923 had been transported away from the scene and were separated.
	2300	Responded to 850 Bryant St. for the Homicide interviews. The interviews were conducted and each of the officers' statement corroborated with each other. Any differences attributed to each individual perspective. A summary of each is as follows: Sergeant Sawyer: - CIRT Debriefing scheduled for Thursday, 3/27/14 at 1300 hrs. Officer Schiff: - CIRT Debriefing scheduled for Tuesday, 3/25/14 at 1100 hrs. Officer Chew: - CIRT Debriefing scheduled for Tuesday, 3/25/14 at 1100 hrs. Officer Morse: - CIRT Debriefing scheduled for Tuesday, 3/25/14 at 1100 hrs.
	0200	Sergeant Crudo faxed a request to DEM for certified copies of the CAD and audio transmissions. Sergeant Crudo sent a request to Ben Houston for work history on the officers and to Teresa Philpott at the Academy for training history and Use of Force records.

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/24/14	**0815**	I attempted to contact the Academy to schedule FATS for the officers this week. I left a message at the FATS office for Officer Helmer and also a left a message for him on his PTDT phone. I left a message for Officer Shihadeh to set up a Range debriefing.
	0845	I responded to CSI and requested with Winnie to be included in the dissemination of the Preliminary Report from the OIS. She advised me that the unit that responded would not be in until Wednesday but would let them know. I responded to the Photo Lab in an attempt to request the photos taken from the OIS. The office is not open until 0900 hrs.
	0915	I spoke to Officer Shihadeh. He advised me that they do not start this week until 1000 hrs to accommodate the recruits' low light shooting training. He advised me he could possibly get them in at 1330 hrs tomorrow and then get Sgt. Sawyer in at 1330 on Thursday. Officer Shihadeh said he would call me back to confirm when he got to work.
	0925	Responded back to Photo Lab and put in request for CD of photos and video.
	0945	I received copies of the Officers' work history from Elizabeth Palmer in HR.
	1215	I received a call from Photo Lab that the photos were ready. I responded back a retrieved two CD's.
	1340	I re-contacted Officer Shihadeh to ensure 1330 hrs would be ok to schedule the officers for their Range Debriefing. The Range is scheduled for Officers Schiff and Chew for Tuesday (3/25/14) at 1330 hrs, and 1330 hrs for Officer Morse and Sergeant Sawyer on Thursday (3/27/14). Still waiting to hear from Officer Helmer at Academy re: FATS.
03/25/14	**0815**	I received copies of the officers' training records.
	1140	Final scheduling for debriefings: **BSU:** / **Range:** / **FATS:** Tuesday 3/25/14 1100hrs — Schiff, Chew, Morse Tuesday 3/25/14 1330hrs — Schiff, Chew Thursday 3/27/14 0900hrs — Sawyer, Morse Thursday 3/27/14 1300hrs — Sawyer Thurs. 3/27/14 1115hrs — Sawyer, Morse Friday 3/28/14 0900hrs — Schiff, Chew
	1445	I received notification from Off. Shihadeh that Officers Schiff and Chew completed their

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		Ranger Debriefing satisfactorily.
03/26/14	**1040**	I responded to the Range and picked up a copy of the confirmation of completion for Officer Schiff and Chew's debriefing. Added to file.
	1120	I responded to Homicide and received copies of Incident Report, (s) photo, rap sheet, prior arrests, police reports and CAD. I also made copied of the homicide interviews.
03/27/14	**1030**	I received the Force Options Grading Sheet for Sergeant Sawyer and Officer Morse from Insp. Kirk Tomioka. Added to file, I also obtained the latest Force Options Training Dates for Sgt. Sawyer, and Offcs. Schiff, Morse, and Chew: Sawyer: 9/11/13 Schiff: Academy- Morse: 2/08/12 Chew: 10/15/12
	1350	I received a fax transmittal from Officer Shihadeh of the SFPD Lake Merced Range. The SFPD Range Training Firearms Discharge Forms indicated that both Sergeant Sawyer and Officer Morse completed the Range Debriefing satisfactorily. Added to file.
3/28/14	**1245**	I responded to DEM on Turk St. and picked up the certified copies of the CAD and CD of recorded radio traffic. Added to file.
	1345	I received copies of the Force Options Grading Sheet for Officer Chew and Officer Schiff. Added to file.
04/01/14	**0700**	I received a voicemail from Lt. Yee- CSI asking which CSI report I was looking for. I left a msg. w/ Lt. Yee indicating which case number I was looking for.
04/02/14	**1730**	Presented the RTD decision to the Police Commission. Some questions that arose out of the Commissioners were: how many of the officers involved were CIT trained, what the taser looked like, who fired their weapon first, any additional information the officers received over the air regarding the temperament of (S).
04/08/14	**0600**	I received a copy of a Memo from Sgt. Stephanie Long #128 regarding the officers' compliance with DGO 8.04, attendance of the mandatory BSU debriefing. All four officers complied.
04/10/14	**1500**	I received a phone call from Lt. Yee and he told me CSI had finished the report and that Homicide, Insp. Cagney, had a copy that I could get a copy of.
	1515	I responded to Homicide to attempt to get a copy of the CSI report from Insp. Cagney. He was not there.

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Internal Affairs Division
CHRONOLOGICAL RECORD OF INVESTIGATION

		Continuance of Chron for OIS 14-004
04/11/14	**0950**	I responded to Homicide and made copies of the CSI report.
04/15/14	**0900**	Turned over Preliminary report to Lt. Yick.
04/22/14	**0800**	I sent an email to the officers' atty, Harry Stern, (HStern@RLS lawyers.com) to set a tentative date for the IA interviews.
04/29/14	**0600**	Have not received a response from Harry Stern regarding the scheduling of the interviews.
	0915	Sergeant Altorfer contacted Harry Stern to confirm he received my email. Mr. Stern confirmed and said he would get back to me.
05/05/14	**1510**	I received a phone call from Harry Stern. We tentatively set the date for the interviews for Friday May 16th.
05/13/14	**0700**	I received the signed copies of the Interview Notices from Sgt. Sawyer, Off. Chew and Off. Morse. I have not received the signed copy from Off. Schiff.
	1300	I received a signed copy of the Interview Notice from Officer Schiff…He appears to be assigned to Central Station now.
5/16/14	**1400**	I conducted an audio recorded interview with each of the officers and Sergeant separately. Each member was represented by Harry Stern, Atty . at Law. Assisting me in the interviews was Sergeant Crudo.
	1800	Sgt. Crudo spoke to Lt. Delgadillo from Ingleside station regarding Off. Chew being VA today. Sgt. Crudo requested Off. Chew be detailed to IA for the first three hours of his shift. Off. Chew did not notify us about taking the day off so that we could have rescheduled his interview.
5/23/14	**1100**	I received from Officer Rain Daugherty a faxed letter from OCC requesting several documents regarding the case. Included in this request are: IAD Chron., IAD Interviews audio/video, IAD interview transcripts, IAD investigator notes, IAD's OIS investigative conclusion report. I had my entire file copied onto a disk for OCC excluding my notes and any other notes I received from any other IAD investigator assisting me in this investigation. I made copies of my notes to be sent to OCC. Also not included is the IAD Investigative conclusion report as it is not completed. I will have the file hand carried to Legal to be logged in and finally delivered to OCC.

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[redacted]/11/14	**0950**	I responded to Homicide and made copies of the CSI report.
04/15/14	**0900**	Turned over Preliminary report to Lt. Yick.
04/22/14	**0800**	I sent an email to the officers' atty, Harry Stern, (HStern@RLS lawyers.com) to set a tentative date for the IA interviews.
04/29/14	**0600**	Have not received a response from Harry Stern regarding the scheduling of the interviews.
	0915	Sergeant Altorfer contacted Harry Stern to confirm he received my email. Mr. Stern confirmed and said he would get back to me.
05/05/14	**1510**	I received a phone call from Harry Stern. We tentatively set the date for the interviews for Friday May 16th.
05/13/14	**0700**	I received the signed copies of the Interview Notices from Sgt. Sawyer, Off. Chew and Off. Morse. I have not received the signed copy from Off. Schiff.
	1300	I received a signed copy of the Interview Notice from Officer Schiff…He appears to be assigned to Central Station now.
[redacted]/16/14	**1400**	I conducted an audio recorded interview with each of the officers and Sergeant separately. Each member was represented by Harry Stern, Atty . at Law. Assisting me in the interviews was Sergeant Crudo.
	1800	Sgt. Crudo spoke to Lt. Delgadillo from Ingleside station regarding Off. Chew being VA today. Sgt. Crudo requested Off. Chew be detailed to IA for the first three hours of his shift. Off. Chew did not notify us about taking the day off so that we could have rescheduled his interview.
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[redacted]/18/14	**1200**	Spoke with Julie Madrigal from Legal. She provided me with a copy of a letter request from OCC for documents related to my investigation, namely: IAD audio of officer interviews,

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		IAD transcripts of officer interviews, copy of an up to date Chronological of investigation, and the IAD Conclusion report. I had provided Officer Daugherty with my case file which included the IA interviews of the involved officers, I have not had the interviews transcribed yet as it is not paramount to where I am in this investigation; they have my most up to date chronological, and the IAD Conclusion report is nowhere near complete as it is reliant on the homicide and DA's investigation, as well as the Medical Examiner's report.
02/13/15	**1015**	I contacted Nina from the Medical Examiner's Office and requested a copy of the report from the incident. She advised me a copy would be ready by 11:15.
	1030	I received a copy of the DA charging decision letter written by District Attorney George Gascon.
	1115	Responded to ME's Officer and picked up a copy of ME report #2014-0292.
02/17/15	**1525**	I sent, via email, the IA interviews of the four involved officers to Roomian & Associates to be transcribed.
02/18/15	**0940**	I responded to CSI to retrieve a copy of the final CSI report. Was advised I would receive a call when it was ready.
	0950	I obtained a copy of The RTD Memo and RTD letter to the Police Commission from Sgt. A. Wilhelm. Added to file.
	1000	Spoke to Sergeant C. Wilhelm in regards to getting the date Off. Schiff went through his Force Options Training at the Academy. He advised he would look it up when he returned to his office.
	1020	I received a copy of the final CSI report.
	1035	Left a msg for Andy Smith re: obtaining a copy of the Criminalistics Lab Firearm report.
	1040	I received a phone call from Sgt. C. Wilhelm. He advised me the records for Off. Schiff's class were sent to GRM. He ordered the records and said they would take a day or two to get them.
	1050	I sent an email to Sgt. Andy Ting regarding a request for the range qualification records for the involved officers.
02/20/15	**0700**	I received a copy of the Criminalistics Laboratory report and added it to the case file.
	1115	I received a copy of Officer Schiff's Force Options training/evaluation sheet. He received his force options evaluation on 11/4/13 and passed each scenario.
	1100	I received an email back from Sgt. Ting of the Lake Merced Range containing the qualification records for the involved records. Officers Chew and Morse, and Lt. Sawyer

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		were in compliance with their bi-annual range qualification requirements. Officer Schiff had just completed the SFPD Basic Academy where he received firearms training either the week of September 16-20, 2013 or 23-27, 2013 and was not yet required to re-qualify by the time of this incident.
02/24/15	**1220**	I received, via email, the transcribed IA interviews and added them to my case file.
03/10/15	**1000**	Off. C. Walsh came to IA and informed me of a request from OCC re: the Conclusion Summary and updated Chron for this case. I sent her an email letting her know that the investigation is not complete and therefore the documents requested are not available at this time.
03/12/15	**1530**	I received a phone call from Lt. Woon of legal advising me I was required to submit my chronological report to OCC from 5/23/14 to present. Will contact Lt. Woon on 3/13/15.
03/13/15	**0800**	I went through my chron and edited/made corrections to it. *****THIS IS NOT A COMPLETE OR FINAL DOCUMENT*****

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INTERVIEW NOTICE

TYPE OF INTERVIEW:

- ☐ ACCUSED
- ☐ WITNESS
- [X] SUBJECT OFFICER (FOCUS OF INVESTIGATION OFFICER INVOLVED SHOOTING OR IN CUSTODY DEATH)

PERSON TO BE INTERVIEWED:

RANK: Officer NAME: Nathan Chew STAR: 2088

ASSIGNMENT:

STATION/DIVISION: Ingleside Station
COMMANDING OFFICER: Captain Timothy Falvey #1071

DATE AND TIME OF INTERVIEW:

DAY: Friday DATE: 05/16/14 TIME: 18:15 hrs

MCD CASE # OIS 14-004

INCLUDE SFPD FORM 358:

- [X] YES
- ☐ NO
- [X] NOTE THAT IT IS RECOMMENDED HE/SHE BRING POA ATTORNEY OR REPRESENTATIVE.

INTERVIEW NOTICE

TYPE OF INTERVIEW:

- ☐ ACCUSED
- ☐ WITNESS
- ☒ SUBJECT OFFICER (FOCUS OF INVESTIGATION OFFICER INVOLVED SHOOTING OR IN CUSTODY DEATH)

PERSON TO BE INTERVIEWED:

RANK: Officer NAME: Roger Morse STAR: 1923

ASSIGNMENT:

STATION/DIVISION: Ingleside Station
COMMANDING OFFICER: Captain Timothy Falvey #1071

DATE AND TIME OF INTERVIEW:

DAY: Friday DATE: 05/16/14 TIME: 17:00 hrs

MCD CASE # OIS 14-004

INCLUDE SFPD FORM 358:

- ☒ YES
- ☐ NO
- ☒ NOTE THAT IT IS RECOMMENDED HE/SHE BRING POA ATTORNEY OR REPRESENTATIVE.

Sergeant Jayme Campbell # 759
INTERNAL AFFAIRS DIVISION

DATE SUBMITTED: May 6, 2014

SFDPA - 0179-14 - 001469

INTERVIEW NOTICE

TYPE OF INTERVIEW:

- ☐ ACCUSED
- ☐ WITNESS
- ☒ SUBJECT OFFICER (FOCUS OF INVESTIGATION OFFICER INVOLVED SHOOTING OR IN CUSTODY DEATH)

PERSON TO BE INTERVIEWED:

RANK: Sergeant NAME: Jason Sawyer STAR: 1127

ASSIGNMENT:

STATION/DIVISION: Ingleside Station
COMMANDING OFFICER: Captain Timothy Falvey #1071

DATE AND TIME OF INTERVIEW:

DAY: Friday DATE: 05/16/14 TIME: 1530

MCD CASE # OIS 14-004

INCLUDE SFPD FORM 358:

- ☒ YES
- ☐ NO
- ☒ NOTE THAT IT IS RECOMMENDED HE/SHE BRING POA ATTORNEY OR REPRESENTATIVE.

Sergeant Jayme Campbell # 759
INTERNAL AFFAIRS DIVISION

DATE SUBMITTED: May 6, 2014

SFDPA - 0179-14 - 001470

INTERVIEW NOTICE

TYPE OF INTERVIEW:

- ☐ ACCUSED
- ☐ WITNESS
- ☒ SUBJECT OFFICER (FOCUS OF INVESTIGATION OFFICER INVOLVED SHOOTING OR IN CUSTODY DEATH)

PERSON TO BE INTERVIEWED:

RANK: Officer NAME: Richard Schiff STAR: 1968

ASSIGNMENT:

STATION/DIVISION: Ingleside Station
COMMANDING OFFICER: Captain Timothy Falvey #1071

DATE AND TIME OF INTERVIEW:

DAY: Friday DATE: 05/16/14 TIME: 14:00 hrs

MCD CASE # OIS 14-004

INCLUDE SFPD FORM 358:

- ☒ YES
- ☐ NO
- ☒ NOTE THAT IT IS RECOMMENDED HE/SHE BRING POA ATTORNEY OR REPRESENTATIVE.

Sergeant Jayme Campbell # 759
INTERNAL AFFAIRS DIVISION

DATE SUBMITTED: May 6, 2014

SFDPA - 0179-14 - 001471

Internal Affairs Division Interview Record

1. This interview regarding **OIS Case #** 14-004 is taking place at the Office of the Internal Affairs Division on _____ at _____ hours.

2. Conducting this interview is myself, Sgt. Jayme Campbell #759, Internal Affairs Division.

3. Assisting me in this interview, from the Internal Affairs Division, is: [ ].

4. The member being interviewed is (please state and spell your name, rank, and star number) [_____].

5. **Off./Sgt.** _____ is a named officer in this matter.

6. Representing **Off./Sgt.**_____ is: (please state and spell your name and title). [Harry Stern, atty.].

7. Have you read Department General Order 2.01, Rule 21?

8. Have you read Government Code 3303(e)?

9. **Off./Sgt.**_____, do you understand that this interview is being recorded?

10. Because there could be criminal culpability on the your part, I am advising you that
    - *a.* You have the right to remain silent;
    - *b.* Anything you say may be used against you in a court of law.
    - *c.* You have the right to the presence of an attorney before and during any questioning;
    - *d.* If you cannot afford an attorney, one will be appointed for you free of charge, before any questioning, if you want.

    Do you understand each of these rights, as I have explained them to you?

11. Are you prepared to be interviewed at this time?

---

1. Although you have the right to remain silent and not incriminate yourself, your silence may be deemed insubordination and result in administrative discipline up to and including removal from offic as a police officer.

   In ***Garrity vs. New Jersey***, and reaffirmed in ***Gardner vs. Broderick***, the United States Supreme Court held that a public employee has the right to be free from compulsory self-incrimination. When an employee is compelled to provide a statement under the threat of removal from office, the statement cannot be used against the employee in a subsequent criminal prosecution.

   In ***Lybarger vs. City of Los Angeles***, the California Supreme Court held that although you have the right to remain silent and not incriminate yourself, your silence may be deemed insubordination, and as such, result in the imposition of administrative discipline up to and including termination. Any statement made by you under the compulsion of such a threat cannot be used against you in a later criminal proceeding related to this incident.

If you do answer my questions, your statements and any information gathered by reason of such will be held confidential, in accordance with CA Penal Code 832.7. Your statement and the information gathered shall not be divulged, except as required by law.

2. Do you understand these decisions?

3. Have you read or been advised of the Police Officers Bill of Rights?

4. Do you understand your rights?

5. Do you understand that I am conducting an administrative investigation?

6. **Officer/ Sergeant**_____, my name is Sergeant Jayme Campbell. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am therefore ordering you to answer my questions.

7. Do you understand this statement?

8. **Officer/ Sergeant**_____, are you prepared to be interviewed at this time?

Conclusion

1. **Officer / Sergeant** _____, is there anything else regarding this incident and investigation that we have not covered that needs to be added? Is there anything stated during this interview that needs to be changed or clarified?

2. After you leave this interview, should you recall anything that differs from, or is in addition to the information you provided today, you are ordered to provide that information to me as soon as practical.

   Do you understand?

3. You may discuss this matter with your representative, as you choose. Otherwise, I am ordering you not to discuss any portion of this investigation with any other department employee.

   Do you understand this order?

4. This interview is concluded. The time is _____hours; the recording will now be ended.

Conclusion

1. **Officer / Sergeant** _____, is there anything else regarding this incident and investigation that we have not covered that needs to be added? Is there anything stated during this interview that needs to be changed or clarified?

2. After you leave this interview, should you recall anything that differs from, or is in addition to the information you provided today, you are ordered to provide that information to me as soon as practical.

   Do you understand?

3. You may discuss this matter with your representative, as you choose. Otherwise, I am ordering you not to discuss any portion of this investigation with any other department employee.

   Do you understand this order?

4. This interview is concluded. The time is 0430 hours; the recording will now be ended.

   18--

Sawyer, Schiff, Chew, Mirse

Internal Affairs Division Interview Record

1. This interview regarding **OIS Case #** 14-004 is taking place at the Office of the Internal Affairs Division on 5/16/14 at 14:10 hours.

2. Conducting this interview is myself, Sgt. Jayme Campbell #759, Internal Affairs Division.

3. Assisting me in this interview, from the Internal Affairs Division, is: [# 1694].

4. The member being interviewed is (please state and spell your name, rank, and star number) [1968].

5. **Off./~~Sgt.~~** _____ is a named officer in this matter.

6. Representing **Off./Sgt.** STERN is: (please state and spell your name and title). [Harry Stern, atty.].

7. Have you read Department General Order 2.01, Rule 21?

8. Have you read Government Code 3303(e)?

9. **Off./Sgt.**_____, do you understand that this interview is being recorded?

10. Because there could be criminal culpability on the your part, I am advising you that
    - ***a.*** You have the right to remain silent;
    - ***b.*** Anything you say may be used against you in a court of law.
    - ***c.*** You have the right to the presence of an attorney before and during any questioning;
    - ***d.*** If you cannot afford an attorney, one will be appointed for you free of charge, before any questioning, if you want.

    Do you understand each of these rights, as I have explained them to you?

11. Are you prepared to be interviewed at this time?

---

1. Although you have the right to remain silent and not incriminate yourself, your silence may be deemed insubordination and result in administrative discipline up to and including removal from office as a police officer.

   In ***Garrity vs. New Jersey***, and reaffirmed in ***Gardner vs. Broderick***, the United States Supreme Court held that a public employee has the right to be free from compulsory self-incrimination. When an employee is compelled to provide a statement under the threat of removal from office, the statement cannot be used against the employee in a subsequent criminal prosecution.

   In ***Lybarger vs. City of Los Angeles***, the California Supreme Court held that although you have the right to remain silent and not incriminate yourself, your silence may be deemed insubordination, and as such, result in the imposition of administrative discipline up to and including termination. Any statement made by you under the compulsion of such a threat cannot be used against you in a later criminal proceeding related to this incident.

If you do answer my questions, your statements and any information gathered by reason of such will be held confidential, in accordance with CA Penal Code 832.7. Your statement and the information gathered shall not be divulged, except as required by law.

2. Do you understand these decisions?

3. Have you read or been advised of the Police Officers Bill of Rights?

4. Do you understand your rights?

5. Do you understand that I am conducting an administrative investigation?

6. **Officer/ Sergeant**_____, my name is Sergeant Jayme Campbell. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am therefore ordering you to answer my questions.

7. Do you understand this statement?

8. **Officer/ Sergeant**_____, are you prepared to be interviewed at this time?

OIS 14-004

Internal Affairs Division
Preliminary Report

Date of Occurrence: March 21, 2014

Involved Officers: Sergeant Jason Sawyer #1127
Officer Richard Schiff #1968
Officer Roger Morse #1923
Officer Nathan Chew #2088

Incident Number: 140-240-512

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Memorandum

San Francisco Police Department

		APPROVED	YES	NO
To:	Captain Christopher Pedrini Commanding Officer Risk Management Division	_____	☐	☐
		_____	☐	☐
From:	Sergeant Jayme Campbell Internal Affairs Division	_____	☐	☐
Date:	Friday, April 11, 2014			
Subject:	**CONFIDENTIAL Preliminary Investigation Summary: Officer-Involved Shooting 14-004 (Case #140-240-512)**			

Issue:

What is the preliminary information related to OIS 14-004?

Discussion:

Incident Overview

On Friday, March 21, 2014 Sergeant Jason Sawyer #1127, 3H104, was conducting a Field Training ride-a-long with Officer Richard Schiff #1968, a recruit officer in his third phase. Officer Schiff was the driver and Sergeant Sawyer was the passenger in their marked, black and white, SFPD patrol vehicle. At approximately 1911 hrs, dispatch came over the air with a call of an "A" priority "221" (person with a gun) in Bernal Heights Park. The suspect was described as a Latin male, 6'1", 200lbs, wearing a bright red jacket, black pants, with a gun on his hip; a black handgun.

Sergeant Sawyer and Officer Schiff, as well as several other officers from the Ingleside District began to search the area for the suspect. Officer Schiff drove the patrol vehicle to the north side of the park where there was an access road leading into the park. The road was blocked by a gate however from previous experience of responding to calls in this park, Officer Schiff was able to maneuver the vehicle around the gate.

As Officer Schiff and Sergeant Sawyer were travelling up the access road, W/B, they observed a male, later identified as Alejandro Nieto (CII# A28443532 , DOB 3/04/86), who matched the description dispatch gave, and was observed walking down the access road, E/B towards them. Officer Schiff pulled to within approximately twenty-five to thirty yards of Nieto and stopped. Sergeant Sawyer and Officer Schiff exited their vehicle, drew their Department-issued firearms, and took cover within the "A frame" of the door.

Both Officer Schiff and Sergeant Sawyer gave verbal commands to Nieto to show his hands. According to Officer Schiff, Nieto stopped and took a "Fighting stance with one leg forward and one leg back; his hands came up chest-level, gun exposed, like we practice when drawing our 221 (gun)." Officer Schiff and Sergeant Sawyer gave Nieto the command to show them his hands. At this point, Nieto replied, "Let me see your hands!" Nieto then drew the weapon from his hip and pointed it at Officer Schiff and Sawyer.

Both Officer Schiff and Sergeant Sawyer separately stated they saw a red laser light from Nieto's weapon and discharged their weapons at Nieto. Nieto dropped to his knees, then appeared to get into a tactical position. Nieto was in the prone position with the weapon in his hands, his arms extended out in front of him and his head up. He appeared to still be engaging them.

As Officer Schiff and Sergeant Sawyer were engaged with Nieto, 3H15D, Officer Roger Morse #1923, and Officer Nathan Chew #2088 arrived as back-up. Officer Morse positioned his patrol vehicle to the right of Officer Schiff's and slightly behind. Both Officer Morse and Officer Chew saw the other unit engaged in what they perceived as a gun battle as Nieto was on the ground in a "tactical" prone position. The officers heard shots being fired, and they believed Nieto was firing at them. At one point Officer Chew saw a "glint" of a red laser point at him, and Officer Morse believed he saw a muzzle flash coming from Nieto's weapon. Fearing for their safety and the safety of the other unit, both officers discharged several rounds at Nieto from their Department-issued firearms.

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All of the officers stopped firing when Sergeant Sawyer called out a "cease fire." The officers approached Nieto, guns still drawn. Officer Morse kicked the weapon out of Nieto's hand, and Officer Chew handcuffed him. The officers rendered aid until the Medics arrived.

It was not until the officers had approached Nieto that they discovered the weapon was a Taser gun. The Taser gun had been discharged as the wires with the prongs were strewn across the ground.

San Francisco Fire Rescue Captain 3, Pung, arrived on scene and pronounced Nieto deceased at the scene. The San Francisco Medical Examiner's Office took custody of Nieto's body.

Criminal Investigation/CSI

Sergeant Seth Riskin #1915 (3H109) assigned to Co. H responded to the north access road in Bernal Heights Park and took initial control of the scene. Sergeant Riskin spoke with Sergeant Sawyer who advised him that all officers were safe, accounted for and uninjured. Sergeant Riskin ascertained that no other parties had been struck and/or involved, and that the scene was contained.

Sergeant Riskin notified DOC of the OIS as well as 3X302, Captain Osuna. He then established a command post. Sergeant Riskin took seven digital photos of the scene with his Department-issued smart-phone to memorialize the incident prior to Medical personal disturbing the crime scene. He later transferred the images to a CD which was later booked as evidence, and he also emailed the images to Homicide Investigator, Sergeant Bonner. Sergeant Riskin was later relieved of command by Lt. Delgadillo.

Callouts were made by DOC. Homicide Sergeants Cagney, Burke, and Bonner assumed the criminal investigation. The area was canvassed for witnesses and evidence. CSI responded to the scene. Some of the evidence at the scene that was located, identified, photographed and processed included:

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- 48- .40 caliber casings
- Three firearm magazines
- One Taser gun
- Two Taser pins plus wires
- Two Pepper Spray canisters
- One Taser holster

Two witnesses were identified and interviewed by Homicide. Requests for CSI photos and reports were submitted on Monday, March 24, 2014.

CAD records

The CAD for this incident is number 140-802-955. Certified copies of audio recordings (including the 9-1-1 phone call) and CAD printouts were requested from DEM and have been received.

A review of available DEM records reveals the following sequence of events in this incident (UPPER CASE TEXT indicates the source is CAD printout; *Initial Capital Text* indicates the source is the recorded audio):

- 19:11:52 Dispatch, *"A-priority 221, Bernal Hts Park, LMA...male in a bright red jacket...6'1...200lbs...black pants...has gun on his hip...black handgun."*
- 19:12:16 3H104, *"Henry one-oh-four responding."*
- 19:12:30 Dispatch, Male is standing on the north side of Bernal Hill.
- 19:12:46 Dispatch, Male is pacing back and forth by a chain link fence.
- 19:15:35 3H104, *"97 in area. Going to go to Anderson side."*
- 19:17:20 3H104, *"Is subject walking on path inside the park or outside on the outer rim?"*

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- 19:17:22 Dispatch, Subject is now walking down the hill.
- 19:17:38 Dispatch, Says a little further into the park, by the entrance at Alabama, per RP.
- 19:18:00 Unk. Unit, *"Is it Precita Park?"*
- 19:18:14 Unk. Unit, *"There's a guy in a red shirt walking towards you."*
- 19:18:18 3H104, *"I got a guy right here."*
- 19:18:40 3H104, *"Code 33! Code 33! We got a..."*
- 19:18:42 3H104, *"Shots fired! Shots fired! Code 33!"*
- 19:19:00 3H104, *"Officer involved shooting. 408 code 3!"*

Suspect: Alejandro Nieto

The suspect in this case, Alejandro Nieto, does not have an SF number but has had incidents with the SFPD where [redacted] Other contacts with the SFPD listed Nieto as the victim and/ or reporting party. In another incident, Nieto filed a Threats/RO Violation report; several days later, the suspect in that report listed Nieto as the Suspect. [redacted]

Use of Force Records for Sergeant Sawyer and Officers Schiff, Morse, and Chew

Contacted Inspector Kirk Tomioka #364 at the San Francisco Police Department Training Division and requested the Use of Force records for each of the officers involved.

Sergeant Sawyer's Post-Discharge Debriefings

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Sergeant Sawyer was placed on administrative assignment and detailed to the Operations Bureau headquarters following this incident.

On Thursday, March 27, 2014, Sergeant Sawyer responded to the Academy, and satisfactorily completed a CIRT debriefing with the Behavioral Science Unit.

On Thursday, March 27, 2014, Sergeant Sawyer responded to the Lake Merced Range and satisfactorily completed a Post-Discharge Firearm Debriefing with the Range staff.

On Thursday, March 27, 2014, Sergeant Sawyer responded to the Academy and satisfactorily completed a Post-Discharge Modified Force Options Debriefing with the Academy/Force Options staff.

Officer Schiff's Post-Discharge Debriefings

Officer Schiff was placed on administrative assignment and detailed to the Operations Bureau headquarters following this incident.

On Tuesday, March 25, 2014, Officer Schiff responded to the Academy, and satisfactorily completed a CIRT debriefing with the Behavioral Science Unit.

On Tuesday, March 25, 2014, Officer Schiff responded to the Lake Merced Range and satisfactorily completed a Post-Discharge Firearm Debriefing with the Range staff.

On Friday, March 28, 2014, Officer Schiff responded to the Academy and satisfactorily completed a Post-Discharge Modified Force Options Debriefing with the Academy/Force Options staff.

Officer Morse's Post-Discharge Debriefing

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Officer Morse was placed on administrative assignment and detailed to the Operations Bureau headquarters following this incident.

On Tuesday, March 25, 2014, Officer Morse responded to the Academy, and satisfactorily completed a CIRT debriefing with the Behavioral Science Unit.

On Thursday, March 27, 2014, Officer Morse responded to the Lake Merced Range and satisfactorily completed a Post-Discharge Firearm Debriefing with the Range staff.

On Thursday, March 27, 2014, Officer Morse responded to the Academy and satisfactorily completed a Post-Discharge Modified Force Options Debriefing with the Academy/Force Options staff.

Officer Chew's Post-Discharge Debriefing

Officer Chew was placed on administrative assignment and detailed to the Operations Bureau headquarters following this incident.

On Tuesday, March 25, 2014, Officer Chew responded to the Academy, and satisfactorily completed a CIRT debriefing with the Behavioral Science Unit.

On Tuesday, March 25, 2014, Officer Chew responded to the Lake Merced Range and satisfactorily completed a Post-Discharge Firearm Debriefing with the Range staff.

On Friday, March 28, 2014, Officer Chew responded to the Academy and satisfactorily completed a Post-Discharge Modified Force Options Debriefing with the Academy/Force Options staff.

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Sergeant Sawyer, Officer Schiff, Officer Morse, and Officer Chew's Return to Duty Panel

The Return to Duty panel convened on Friday, March 28, 2014, chaired by Deputy Chief David Shinn of the Administration Bureau.

Lieutenant Plyer presented the preliminary facts in this case. The panel unanimously recommended that Sergeant Sawyer, Officer Schiff, Officer Morse, and Officer Chew be returned to their regular duties after March 31, 2014, pending completion of the 10 days administrative assignment required by DGO 8.11.

The Chief of Police concurred with the recommendation of the Return to Duty panel and forwarded a letter to the Police Commission to that effect. A closed session presentation was given to the Police Commission on Wednesday, April 2, 2014 regarding Chief Suhr's decision to return Sergeant Sawyer, Officer Schiff, Officer Morse, and Officer Chew to their regular assignments.

Force Analysis

The following statute and Department General Order provisions will be considered in the evaluation of this investigation:

Penal Code Section 835a:

> Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.
>
> A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

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Department General Order 5.01, *Use of Force* (rev. 10/4/95) states, in part:

D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:
   a. Verbal Persuasion
   b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
   c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
   d. Carotid Restraint
   e. Department-Issued Baton
   f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:
   a. To prevent the commission of a public offense.
   b. To prevent a person from injuring himself/herself.

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c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.

d. In self-defense or in the defense of another person.

2. Before using force, the officer should consider these questions:

a. What actions on the part of the suspect justify the use of force?

b. What crime is being or has been committed?

c. Does the situation require the immediate use of force?

Department General Order 5.02, *Use of Firearms* (rev. 3/16/11) states, in part:

C. DISCHARGE OF FIREARMS

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:

a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.

b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.

c. To apprehend a person when both of the following circumstances exist:

(1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND

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(2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.

3. REASONABLE CARE. To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.

Recommendation

It is recommended that this investigation proceed according to Department General Order 8.11.

ATTACHMENTS

1. SFPD Form 83
2. IAD Chronological (to date)
3. Incident Report 140-240-512
4. CAD 140802955 Printout
5. C.S.I. Preliminary Report

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6. Google Mapping of Bernal Heights Park
7. Officer Profile: Sergeant Jason Sawyer ##1127, Officer Richard Schiff #1968, Officer Roger Morse #1923, and Officer Nathan Chew #2088
8. Suspect Profile: Alejandro Nieto (CA DL #D3687832)
9. Return to Duty Documentation

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SGT. CAMPBELL: This interview regarding OIS Case 14-004 is taking place at the Office of Internal Affairs Division on May 16th, 2014, at approximately 1535 hours. Conducting this interview is myself, Sergeant Jayme Campbell, Star 759. Assisting me in this interview from the Internal Affairs Division is—

SGT. CRUDO: Sergeant John Crudo, c-r-u-d-o, Star number 1694.

SGT. CAMPBELL: The member being interview is—please state your name, rank, and Star number.

SAWYER: Jason Sawyer, Sergeant, Star number 1127.

SGT. CAMPBELL: And Sergeant Sawyer is the named officer in this matter. Representing Sergeant Sawyer is—

STERN: Harry, s-t-e-r-n.

SGT. CAMPBELL: And Sergeant Sawyer have you read Department General Order 2.01 Rule 21?

SAWYER: Yes I have.

SGT. CAMPBELL: And have you read Government Code 3303E as encompassed in DGO 2.08?

SAWYER: Yes I have.

SGT. CAMPBELL: And Sergeant Sawyer do you understand that this interview is being recorded?

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SAWYER: Yes I do.

SGT. CAMPBELL: Because there could be criminal culpability on your part I am advising you that you have the right to remain silent, anything you say may be used again you in a court of law. You have the right to the presence of an attorney before and during any questioning. If you cannot afford an attorney one will be appointed for you free of charge before any questioning if you want. Do you understand each of these rights as I have explained them to you?

SAWYER: Yes I do.

SGT. CAMPBELL: Are you prepared to be interviewed at this time?

SAWYER: No I am no.

SGT. CAMPBELL: Although you have the right to remain silent and not incriminate yourself your silence may be deemed insubordination and result in administrative discipline up to and including removal from off as a police officer. In Garrity v. New Jersey and reaffirmed in Gardner v. Broderick the United States Supreme Court held that a public employee has the right to be free from compulsory self-incrimination. When an employee is compelled to provide a statement under the threat

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of removal from office the statement cannot be used against the employee is a subsequent criminal prosecution. In Lybarger v. City of Los Angeles the California Supreme Court held that although you have the right to remain silent and not incriminate yourself your silence may be deemed insubordination and as such result in the imposition of administrative discipline up to and including termination. Any statement by you under the compulsion of such a threat cannot be used against you in a later criminal proceeding related to this incident. If you do answer my questions your statements and any information gathered by reason of such will be held confidential in accordance with California Penal Code 832.7. Your statement and the information gathered shall not be divulged except as required by law. Do you understand these decisions?

SAWYER: Yes I do.

SGT. CAMPBELL: Have you read or been advised of your police officer's Bill of Rights?

SAWYER: Yes I have.

SGT. CAMPBELL: And do you understand your rights?

SAWYER: I do.

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SGT. CAMPBELL: Do you understand that I'm conducting an administrative investigation?

SAWYER: Yes.

SGT. CAMPBELL: Sergeant Sawyer my name is Sergeant Jayme Campbell, I work for the Internal Affairs Division of the San Francisco Police Department and I have been designated by the Chief of Police to conduct this investigation. I am therefore ordering you to answer my questions. Do you understand this statement?

SAWYER: I do.

SGT. CAMPBELL: Sergeant Sawyer are you prepared to be interviewed at this time?

SAWYER: Yes I am.

SGT. CAMPBELL: Did you have a chance to go over your transcripts in Homicide?

SAWYER: Yes I did.

SGT. CAMPBELL: Okay and before we get started is there anything that you noticed in these that need to be amended or corrected or?

SAWYER: One omission of a word and a minor spelling error, that's it.

SGT. CAMPBELL: Okay. Does the omission of the words change the meaning of your answer or statement?

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SAWYER: No.

SGT. CAMPBELL: Okay. If you want you can point it out if you feel it's necessary.

SAWYER: Okay.

SGT. CAMPBELL: So a lot of these questions as you know are just going to be just to get who you are on record and your experience and all that good stuff.

SAWYER: Okay.

SGT. CAMPBELL: How long have you been a member of the San Francisco Police Department?

SAWYER: Next month will be nineteen years.

SGT. CAMPBELL: And where are you currently assigned?

SAWYER: Ingleside Station.

SGT. CAMPBELL: And on the night of the incident were you also at Ingleside?

SAWYER: Yes I was.

SGT. CAMPBELL: Okay and you're a Sergeant obviously.

SAWYER: Correct.

SGT. CAMPBELL: As you are aware this interview regards an incident that occurred at Bernal Heights Park at approximately 1911 hours on

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Friday, March 21st, 2014. You just told me that you had the opportunity to review your voluntary interview. Do you have a recollection of the incident to which I refer?

SAWYER: Yes.

SGT. CAMPBELL: Okay and I'm just going to explain to you when you give me your answers make sure that they're from the perspective of that night. You may have learned a whole bunch of new things since then but the questions that I ask if you would answer them from what you recall from that night not any new information that you've gathered since then but just from that night.

SAWYER: I understand.

SGT. CAMPBELL: Okay. Okay that night do you recall the weather and lighting at the time of the incident in question?

SAWYER: Yes.

SGT. CAMPBELL: And can you explain it, describe it?

SAWYER: It was a clear day. The sky was out. The lighting was very good. It was natural light and I specifically remember at the time of the actual incident there was no need for spotlights, street lights, flash lights or any type

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of illumination other than the daylight that was present.

SGT. CAMPBELL: Okay and to your recollection do you recall thinking the sunlight is in my eyes, I can't see very well or was it just seemed just perfectly lit that you can see well?

SAWYER: Yeah. I was facing west as it was, the sun would have been setting but I don't remember looking directly into the sun where I couldn't see.

SGT. CAMPBELL: Okay. And what shift were you working that day?

SAWYER: My shift starts at 1500 and ends at 0100 hours.

SGT. CAMPBELL: And your call sign?

SAWYER: 3 Henry 104.

SGT. CAMPBELL: Okay and did you have a partner that evening?

SAWYER: I had a recruit ride-along.

SGT. CAMPBELL: And who was that?

SAWYER: Officer Rick Schiff.

SGT. CAMPBELL: And in your Homicide interview you described your uniform of the day as you Class B. Was your Star on your outermost garment?

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SAWYER: Yes it was.

SGT. CAMPBELL: And was it your silver Star or was it embroidered or?

SAWYER: No, it's exactly as I'm dressed today, a Class B wool shirt with the silver Star affixed.

SGT. CAMPBELL: Okay. And how were you equipped, ie communication, force options, your weapon?

SAWYER: Everything that I'm required to carry. So I have my radio. I have a Department issued .40 caliber pistol, I carry as a member of the Specialist Team an asp as opposed to a baton but I has an asp that's with me at all time in addition to Department issued O.C. pepper spray.

SGT. CAMPBELL: Okay. Do you carry a backup firearm?

SAWYER: I do not. However, I do have a rifle issued to me for the Specialist team which I keep in the trunk.

SGT. CAMPBELL: So no personal backup on your person?

SAWYER: That's correct.

SGT. CAMPBELL: And was your primary Department issued firearm fully loaded?

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SAWYER: Yes it was.

SGT. CAMPBELL: Okay so twelve in the mag and one topped off and one in the chamber?

SAWYER: Correct.

SGT. CAMPBELL: Okay. The vehicle that you had that evening was that the vehicle you had checked out or was it the vehicle that Officer Schiff had checked out?

SAWYER: The vehicle I had checked out.

SGT. CAMPBELL: Okay. Was that marked?

SAWYER: Yes.

SGT. CAMPBELL: Okay. Lights and siren were functioning properly?

SAWYER: Correct.

SGT. CAMPBELL: And was it a special vehicle? Did it have the ALPR, the license plate reader in it or anything that you recall?

SAWYER: Nothing special about that vehicle.

SGT. CAMPBELL: Okay and did it have a shotgun in it?

SAWYER: No.

SGT. CAMPBELL: Okay. How about ERIW?

SAWYER: No.

SGT. CAMPBELL: And then you had your

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Specialist rifle. Okay. I know you already gave a pretty long statement to Homicide regarding what happened that evening but if you can just kind of walk us through. If there's anything that came to mind that night that maybe you forgot to tell Homicide or give in your statement feel free to add it in here, any detail, any extra details are fine, nothing—no detail is too small is what I'm saying.

SAWYER: Okay.

SGT. CAMPBELL: Okay. So I guess starting from just prior to getting the call.

SAWYER: So Officer Schiff and I had cleared I believe he had finished the traffic citation. There's a gas station where Mission and San Jose meet near Randall and we were completing up there when the man with the gun or 221 call came out up at Bernal Heights and there was a very distinct description, Hispanic male, I believe he was six-foot, 220, red sweatshirt or jacket, black pants, and had what was really caught my eye or my ear to this was the fact that he was either gun on his waist or gun on his hip, I don't remember exactly how it was phrased but it was one of those. Because it's very rare, it's either in their hand or waving it, in their waistband or whatever, but

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never on their waist.

So we were the closest unit, that's our 1 Car area and where we were at I knew right away because I knew the location of all the other units that were working that we were going to be one of the closest units. I directed Officer Schiff to go that direction. We took Cortland all the way up Anderson to the top where there's a big loop at Bernal Heights.

While we were driving up because of the nature of that call I was starting to talk about the possibilities of you know cover and what to look at. I remember specifically telling him something's not right about this call. It sounds a little different based on the description that's given most people are right-handed so as soon as we get there start looking for towards the right hip, keep your eyes on that. I said also think about splitting up and I asked him, I'm quizzing him while we were driving why would you do that and he says you know triangulation. I said perfect, why? He goes I don't know. I go multiple targets. He's going to split the mind of the bad guy and he's going to have to choose, it's going to give us some time so start thinking about that, maintain cover.

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So we're talking about it as we're driving up and the description keeps getting updated. I know that they had the call online.

As we drove up to the top of Anderson and Bernal Heights there was nobody there. There's people walking their dogs but—and we continued to drive in a counterclockwise direction.

[break in recording]

SGT. CAMPBELL: This is a continuation of the interview with Sergeant Sawyer. The battery had run out. It is now 1550 hours and we're continuing. Sergeant Sawyer was in the process of explaining, discussing tactics with Officer Schiff. Go ahead.

SGT. CRUDO: And just the for the record we didn't discuss anything off-tape, nobody asked any questions and I didn't manage to sabotage the tape despite my best efforts.

SAWYER: So as we got to the top of Anderson at Bernal Heights we drove in a counter-clockwise direction and as we neared Bernal Heights towards the Mission District side near Folsom we encountered another marked unit so we knew we basically completed the loop. Neither one of us had seen anything so we decided we'd turn the car around and went back around. At this point more

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towards the Folsom Street side there's a paved like a fire road or frontage road which has a hinged gate that was closed but if you—between, there's like a garbage can and a rock and in between that it's just wide enough for a patrol car to fit if you put the car on the curb.

Before I even had to say anything Officer Schiff because I had told him to turn the car around he knew to put the car up there so I'm assuming that he had been up there during his FTO at some point with an FTO to know how to do that. At any rate, we popped up the curb, as we're driving up the footpath there was one person that walked by us and then way in the distance kind of around a bend I could see a bright red jacket or sweatshirt which at the time I believed to be the person that had been called on and as we approached it was pretty obviously but I still made notification, I assume Officer Schiff had seen it but in the event he didn't I said I think that's our guy right there and there's nobody else on the path at that time.

He stops the car and we're a good distance away so I told him if we can go a little bit closer I'll tell you when to stop the car and as we drove

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closer I would estimate 25, 30 yards away I said stop the car here. We both exited our car. I'm passenger side. Schiff is driver's side. I immediately went to a position of cover behind the A pillar and I looked over and I know he took a position of cover as well and did not break cover. So to be clear, we're in a marked unit in full uniform and it's daylight.

So immediately I start yelling commands and exactly what I said I don't but it's something to the effect of police, get your hands up, let me see your hands, show me your hands. And he's walking towards us and he's walking towards us at a pretty good pace as if he's going someplace. He's not startled by our appearance, he doesn't slow down, he doesn't stop and he's eating something. I think the caller said it was like a bag of chips. But he was still too far, I could not tell exactly what he was eating but I immediately saw on his right side a bulge under his sweatshirt, it was very obvious that something was underneath his sweatshirt. So again I'm yelling, identifying myself and yelling and as he's walking towards us as soon as I said let me see your hands he says let me see your hands. And I could see, he lifts up his sweatshirt

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with his, it would be his left hand, lifts up his sweatshirt with his right hand, I could see a holster right away. He pulls out a gun and points it right at us and I mean immediately I saw a red laser and I could see that it was very bright and as soon as I saw the laser I recognized a gun, I fired.

SGT. CAMPBELL: What happened after that?

SAWYER: So I fired and at that distance I could not see any obvious signs as I fired that he was either getting shot or in any way experiencing pain or any type of compliance. He had the gun up, I could still see the laser. I fired. I don't know how many rounds I had fired but I kept firing. At one point he dropped to a knee and then proned out. And again I'm not sure if it was because he was hit or he was taking the tactical position, I don't know. But he proned out but I could still see the gun was up, the laser was pointed right at us and his head was up so he's looking at me, or looking at us, the whole time. I'm still shouting commands, police drop your gun, let me see your hands, the whole thing, and he's not complying. And I kept firing.

At one point my gun went empty. I did a

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tactical reload or emergency reload I should say, the gun was back up, his gun was still up, he was still looking at us and I kept firing. At some point I saw his head finally go down towards the ground and the gun turned kind of on its side and he appeared to go limp.

At that point I remember I yelled cease fire and we waited a short amount of time and I was again yelling commands, let me see your hands, let me see your hands. We had no response so at that point I noticed there were two other officers, Officers Morse and Chew that had come up. I don't know at what point they arrived but I know they were there at that time so I coordinated with them and we formed a wide skirmish line the width of the path and we approached the suspect, giving him commands the whole way up. There was no response at all.

Someone, I don't remember who, kicked the gun because it was still in his hand, kicked the gun out of his hand and then I started giving directions. I know at some pointed he was handcuffed and the officers started doing CPR. And another question was asked of me before, I don't remember who started doing CPR. My responsibilities

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kind of changed hats to having to run the scene management until another Supervisor arrived. I tried to identify the officers that were involved because I did not know at that time that Officer Schiff—I'm sorry, that Officers Morse and Chew had fired. So I know they were there and then as they started assisting I said—I told Officer Schiff we're going to have to separate you and anyone else that fired, their hands went up. So I was trying to direct the scene. I ensured that an ambulance was called. I know I sent someone out to look for the witness. CPR was done, he was cuffed, and I'm trying to run the scene until I got relieved.

I don't know if that answers most of your questions there.

SGT. CAMPBELL: Now I'm going to do the usual and run you through some more questions just to kind of get a little bit more specific. When you first observed the suspect or when you got close enough did you recognize him from anything?

SAWYER: No, I've never seen him.

SGT. CAMPBELL: And then even after when you got close enough up to him did he look familiar to you at all?

SAWYER: No.

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SGT. CAMPBELL: So no prior contacts?

SAWYER: No prior contact.

SGT. CAMPBELL: Okay. So you're obviously a specialist. Responding to a 221 call, person with a gun, do you draw your firearm prior to making contact typically?

SAWYER: It all depends. I mean again it just all depends and the gamut can run from you get some you know for lack of a better term the 800 caller or sometimes it's obvious there's no merit so I don't want to say every time I show up with my gun out every single time because it's not always the case, there can always be an exception to the rule.

This case as soon as we made contact the gun was out based on the information that we're receiving and constantly getting updated during our approach.

SGT. CAMPBELL: Did you ever learn that the weapon that was pointed at you was a Taser?

SAWYER: Yes.

SGT. CAMPBELL: When did that first come to your attention?

SAWYER: When we walked up to the suspect and one of the officers kicked it out of his hand I

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could tell then because the—it had been activated so those prongs were sticking out attached to the leads and I could tell that it was a Taser once it was at that point.

SGT. CAMPBELL: Do you have much experience with Tasers?

SAWYER: I have no experience with Tasers.

SGT. CAMPBELL: Do you know whether or not Tasers can emit red laser lights?

SAWYER: I know that now. I did not know that at the time.

SGT. CAMPBELL: Stepping back real quick, when Officer Schiff was driving up the path or driving to the area were you approaching Code 3 lights and sirens or just patrol speed or maybe somewhere in between?

SAWYER: We were definitely not Code 3. When we went up the path—in our entire approach at no point were we blowing stop signs or going in a Code 3 fashion. We were close as it was so for him to take a direct path without having to violate any rules of the road was our response was plenty quick. And as we went up the path I don't know if he activated overhead lights or not. I know there was no siren but no other Code 3.

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SGT. CAMPBELL: Okay, very good. And you said jumping forward again you did see wires coming out of the Taser once you--

SAWYER: On the approach, yeah. During the shooting I had no idea it was a Taser at all and did not see when he had fired it as us I did not know until at the end when we approached him that's when I saw the leads sticking out from the gun on the ground.

SGT. CAMPBELL: Okay. Are you SIT trained, crisis intervention, do you have that training?

SAWYER: I do not.

SGT. CAMPBELL: At any time from the moment that call came out until the moment that you contacted the subject were you given any information regarding the mental status of the suspect?

SAWYER: We were not given any information regarding the mental status.

SGT. CAMPBELL: When you contacted the suspect were you able to ascertain him mental status?

SAWYER: Nothing specific other than as I stated in my homicide interview because he spoke to us that I was able to tell that one, he spoke

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English, two he understood us, and three it was very apparent to me that he knew who we were.

SGT. CAMPBELL: When he presented what you believed was a gun did his mental status become a thought for you or concern? Did you have time to ascertain whether or not what this guy's mental status was?

SAWYER: So I understand your question and the answer is no and the reason is he did not as he's approaching towards us if I can try and paint a picture, he did not suddenly stop to have like a standoff and not obey our commands while he's waiting for us and hesitate. He was marching at us at a steady place, I didn't even know if he was going to stop, and upon hearing our commands immediately issued or told us show me your hands and then as fast as someone can he pulled the gun out right away and pointed it right at us. He didn't hold the gun like to the side in the air at the low-ready or anything to give us a pause to sit there and say hey listen to where we try and negotiate and say hold on now, let's slow this down, you don't want to do this or give us any type of dialogue beyond that. It was as quick as he could point it and pull it. I see a red light. It

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was that fast.

SGT. CAMPBELL: Would your response to this person with a gun call have been any different had you learned that the suspect had mental health issues?

SAWYER: Sure. If we knew in advance that he had mental health issues we could have called—I mean for me I would be calling for a CIT officer to start going immediately and we could try and get someone to speak with him, also have less lethal that we can have on scene and create a perimeter before we go in. But again to be clear, that's such a unique situation because unless we knew in advance that he did not have a real gun even if he had mental issues if he is in fact armed and he's in an area that's crowded with people there's still a public safety danger that trumps the mental health issue from that perspective because everything that we were led to believe going up to that was that the gun was real. We have so many people that are going a little nuts with the guns. I still couldn't stop and pause and say hold on a minutes, let's get everybody else up there first, public safety is primary. So we still would have called the other units, it wouldn't have stopped me

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from how I responded without knowing that the gun wasn't real.

SGT. CAMPBELL: So in other words did you have time to ascertain what this guy's mental status was?

SAWYER: None.

SGT. CAMPBELL: In your nineteen years experience have you responded to calls of a person with a gun in the past?

SAWYER: Yes.

SGT. CAMPBELL: And has every incident resulted in someone having an actual gun?

SAWYER: No.

SGT. CAMPBELL: Knowing that not every situation results in someone actually having a gun has this altered the way you respond to these calls?

SAWYER: No.

SGT. CAMPBELL: And why not?

SAWYER: Every situation is different.

SGT. CAMPBELL: You had explained that the 221 in the waistband caught your attention. How did—can you explain how that specifically caught your attention or why?

SAWYER: Because it wasn't in the

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waistband it was either on his hip or on his waist, the difference being like a holster and that just doesn't happen. You just don't get calls with real people with guns in a holster. So when I hear holster I think either it's an off duty policeman or it could be an undercover policeman but they don't wear red because you have obviously the gang issue with the Nortenos and Sorenos so it could be a policeman, it's possible, but doubtful. But again the bad guys are concealing them in the front of their waist or in the back or however. The other thing is upon contact with us they always flee. They run, they flee, they throw the gun, whatever, but nobody has basically the stand-off with the police when they have no cover.

SGT. CAMPBELL: When you made contact with the suspect and you gave him commands to show you his hands what language did you speak?

SAWYER: English.

SGT. CAMPBELL: And did the suspect respond to you?

SAWYER: Yes.

SGT. CAMPBELL: And what did he say and what language did he reply in?

SAWYER: In English he said you show me

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your hands.

SGT. CAMPBELL: And can you—if you could describe a tone to how he said that what would your description of his tone would it be you know defiant or joking or nonchalant?

SAWYER: Commanding.

SGT. CAMPBELL: Okay when you contacted him can you describe his movement, positioning, and body language?

SAWYER: He was walking towards us at a brisk pace so once he saw our presence at no point did he slow down or hesitate or stop or even make an attempt to look over his shoulder and run away, nothing like that. He just kept marching towards us and then when we were out of the car with our guns pointed at him giving commands he still continued to walk towards us until the dialogue exchange where we told him to show his hands, he told us to show our hands and that's when he stopped and produced his gun.

SGT. CAMPBELL: And then can you describe how he was standing when he produced the gun?

SAWYER: I know I described it as like a modified weaver stance which is basically a traditional arm or legs roughly shoulder with the

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part, you produce the gun, he's right-handed, it came into his right hand and you bring it up with two hands and point it as us.

SGT. CAMPBELL: His movement would that appear to you to be somebody who might be familiar with weapons? Did he look awkward with his movements or did he look fluid?

SAWYER: No, he definitely went right to his waist, pulled it out, had no issue getting out of the holster and apparently no issues with whatever the function of the gun was to either activate the laser or point it at us. He seemed very familiar with his weapon.

SGT. CAMPBELL: And then my next question is you indicated that you saw the red laser, what significance does this have to you? What does a red laser mean to you?

SAWYER: It means you don't have to worry about acquiring your sights because wherever the laser is is where the bullet should go.

SGT. CAMPBELL: So it is fair to say that a laser is found on tactical weapons, firearms?

SAWYER: So lasers are primarily an after-market accessory but I have encountered numerous suspects armed with firearms that had lasers

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attached to them.

SGT. CAMPBELL: And you had mentioned before that at that time you weren't aware that Tasers had lasers, correct?

SAWYER: Correct.

SGT. CAMPBELL: What sort of sounds did you hear? Was it your own bullets, your own gun firing, did you hear any ricochets or what was the sense you got?

SAWYER: So I'm sure you're aware there's some type of auditory exclusion that goes on so normally when I go to the range obviously I shoot several times a year through the Specialists and on my prior training at Tac. I'm very acutely aware of how loud gunfire is and when I don't have ear protection on how bad it hurts. This was not that case. As soon as I started firing it sounded more like pops than it was deafening gunfire that I remember nothing bugged me. But at that point because I'm engaged with the suspect I don't remember any other sounds other than I'm firing, I remember I'm giving commands and then I remember at one point I heard Officer Schiff yell red indicating to me that he had run out and I yelled covering. And then he yelled back up. And I

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remember hearing that because I was also trying to keep an eye on him.

But beyond the sound of the pop from our pistols, gunfire, and him speaking I don't remember any other additional sounds.

SGT. CAMPBELL: Okay. The entire time while the suspect was standing how were his arms? Were they still punched out as John had mentioned earlier, were they out or did they drop or was he?

SAWYER: I remember his arms extended with the laser out and then as he dropped to his knees and went immediately into a prone position the gun was out forward as if you're familiar with the prone position I think his back legs were crossed over, he was totally proned out and the gun was out and up.

SGT. CAMPBELL: Okay. I think I have that later in here but since you brought it up what does that position mean to you?

SAWYER: So a prone position is your most stable shooting platform because when you're standing you have to worry about the weight of the gun, dealing with your shoulders and there's nothing to rest it on. When you prone out you basically make it much easier to steady the gun

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because you can actually rest the side of your hands either cup and saucer or rest it right on the pavement with the gun so it's much more—much more accurate to shoot and it appeared to me that he took this position to continue to shoot at us. And again if he was shot at that point I don't know. He didn't make any—there was no obvious sign that he had been shot or why he went down or that he was in any type of distress at all.

SGT. CAMPBELL: Let's change gears a little bit here. Aside from your uniform and the vehicle do you recall being able to identify yourself as a police officer?

SAWYER: I don't remember the specific words I used, if it was police, stop, show me your hands, show me your hands, police, I don't know but I do believe I identified myself.

SGT. CAMPBELL: Is there any reason in your mind to believe that the suspect wouldn't have known that you were a police officer?

SAWYER: No way. Any reasonable person would know we were policemen.

SGT. CAMPBELL: Did you notice anyone else in the area as you came up the path?

SAWYER: There was one other person that I

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said that we passed. On that side of the path we just noticed the one person walking out. I don't remember if that was the cell phone caller or not because I didn't speak with them. I know they had managed to find someone but that was the only other person I remember walking out but it didn't fit the description so I don't remember a physical description of that person. I saw the person walk by and immediately saw the red sweater or jacket.

SGT. CAMPBELL: Did this first civilian did he say anything to you or indicate anything to you that?

SAWYER: I don't remember.

SGT. CAMPBELL: Okay. When exactly did you draw your firearm?

SAWYER: As I was getting out of the car.

SGT. CAMPBELL: And why?

SAWYER: This was the suspect who fit the description of the man with the gun call and that was it.

SGT. CAMPBELL: Was a warning—were you able to give a warning before you started firing?

SAWYER: Yes.

SGT. CAMPBELL: And what was the warning?

SAWYER: Police, show me your hands.

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SGT. CAMPBELL: Why did you fire your weapon?

SAWYER: When I saw that laser I thought me or Officer Schiff was going to get shot.

SGT. CAMPBELL: Do you know how many rounds you fired?

SAWYER: I do not.

SGT. CAMPBELL: And you indicated that you made one magazine change and that was because your gun went red, empty?

SAWYER: Correct.

SGT. CAMPBELL: And do you recall your stance and your grip?

SAWYER: I was kneeling behind the door. My grip is the standard not a cup and saucer but I have my—I'm left handed so my left hand is around on the trigger, my right hand is supporting my left.

SGT. CAMPBELL: And what was your target?

SAWYER: The suspect.

SGT. CAMPBELL: Did you acquire your sights?

SAWYER: My first couple rounds I don't remember acquiring sights. I know at one point I reassessed and did in fact pick up my sights.

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SGT. CAMPBELL: Do you recall what the background was, how as the terrain?

SAWYER: I do, because it's a slight uphill it basically all you see is the sky.

SGT. CAMPBELL: Okay. So after you had told the suspect show me your hands, please show me your hands and he replied show me your hands was there any other exchange of words between you and the suspect?

SAWYER: As we were firing and during my— before our approach I just kept yelling at him show me your hands.

SGT. CAMPBELL: And did he respond?

SAWYER: No.

SGT. CAMPBELL: And you explained that you stopped firing once you saw him go limp?

SAWYER: Yes, his head dropped and then I saw the gun kind of turn to its side so it looked like he had gone limp.

SGT. CAMPBELL: Okay. You indicated you did not have an ERIW in your vehicle?

SAWYER: Correct.

SGT. CAMPBELL: If you had would it have been a reasonable option of force to use?

SAWYER: No.

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SGT. CAMPBELL: And why not?

SAWYER: Because it's a man with a gun call and again all indication leading up to this was that he was in fact armed as opposed to a threat of a gun or someone—because a lot of times we get calls that someone threatened with a gun but no gun was seen. This has every indication that it was a gun and then less lethal although it's an option the whole point being less lethal, I'm not going to bring a less lethal option to a lethal scenario.

SGT. CAMPBELL: You explained that you did experience some auditory exclusion. Do you recall experiencing any other sensory distortion, tunnel vision, intrusive thoughts?

SAWYER: No. In fact I do remember being acutely aware of my surroundings, I did not tunnel.

SGT. CAMPBELL: Do you recall if any other Supervisors or Sergeants responded to the scene?

SAWYER: Ultimately numerous.

SGT. CAMPBELL: I guess—did you give a public safety statement to any Supervisors on scene that responded.

SAWYER: I did.

SGT. CAMPBELL: Do you recall who?

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SAWYER: Officer of Sergeant Riskin.

SGT. CAMPBELL: Okay and do you recall how long you were on the scene once it was secure how long before you left the scene, you were removed from the scene?

SAWYER: I don't recall in time. I know that as officers responded I knew we had to get guys out and I knew I wasn't going to leave until I knew the other three were escorted out so I was the last to go. I don't know in time though. I mean I know it was pretty clear what the protocol had to be so right away we had officers showing up and as they were securing the scene and once we figured out there were four shooters we started to arrange for people to escort them back with instructions and again that's just a matter of the time it took to coordinate it but it wasn't some type of lengthy delay.

SGT. CAMPBELL: Okay. Were you monitored after the incident?

SAWYER: Very much so.

SGT. CAMPBELL: By whom?

SAWYER: So almost immediate Sergeant [unintelligible] called me and said how are you doing. He sent another specialist to be with me and

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then right after that I had a couple other more specialists show up, guys that I work with and then CERT showed up, they were there pretty quickly and they—so those core pretty much stayed with me the entire time and then after that it was quite a few people wanted to check on me followed by command stand, obviously my attorney Mr. Stern showed up, POA showed up.

SGT. CAMPBELL: Okay.

SAWYER: People I hadn't seen in years. Everybody wanted to show up.

SGT. CAMPBELL: Did you suffer any physical injuries as a result of this incident?

SAWYER: No.

SGT. CAMPBELL: And has this incident impacted you in other way like loss of sleep, appetite?

SAWYER: It has not.

SGT. CAMPBELL: Okay. What was your intent in responding to the scene?

SAWYER: To find this man with the gun and deal with him.

SGT. CAMPBELL: And deal with him—can you elaborate?

SAWYER: Well obviously the plan is always

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a peaceful resolution and the idea in going is no matter what, any time you call the police you have to go up there and deal with whatever call it is. I can't always give you exactly how the disposition is going to be but the plan is always a peaceful resolution. So when we make contact with this because obviously it's a very dangerous call we give the suspect every opportunity to end it peacefully. If it's a misunderstanding which is frequent, if someone is mad and they make a fake call which could happen, if he in fact does have a gun there's numerous options the suspect has to end peacefully and we give them every opportunity. This was not that case.

SGT. CAMPBELL: And so what was your intent in firing your weapon?

SAWYER: To protect myself.

SGT. CAMPBELL: And were other force options considered?

SAWYER: No.

SGT. CAMPBELL: And why not?

SAWYER: Well, verbal persuasion was tried and that failed. As I look at my force options there wasn't much else. Pepper spray was not going to work, too far away, the less lethal option had I

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had it I still would not have gone to a less lethal option. I could not use a carotid restraint from that distance nor would I against an armed suspect. Physical persuasion, I'm not going to go hands-on with the guy also from that distance so short of that there's no other options that I'm equipped with.

SGT. CAMPBELL: Okay, John?

SGT. CRUDO: A couple things Sergeant. Real quick, do you recall when you first encountered—you talked about seeing the suspect actually at a distance up the hill. Do you recall as he approached later on you talk about him kind of walking briskly towards you, he's in view. Do you recall where his hands were place or—you did talk about a weaver stance but can you describe maybe where his hands were or how he moved?

SAWYER: At which point?

SGT. CRUDO: When he—when you stopped and engaged him, got out of your car to engage him can you describe his movements just a little more.

SAWYER: So he's walking the entire time towards us. I don't remember you know to what degree his arms are moving back and force to indicate his movement but he was not walking

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holding onto his right hip. So his hands are moving as if he's—you know, as a person would naturally as they walk and it was he continued to do so it wasn't until we had our exchange of words, that's when he produced the gun and stopped and you know the hands came up after that, if that helps out.

SGT. CAMPBELL: And then so he goes to—you described it as basically, no to put words in your mouth, pretty fluid, I mean he's approaching you, draws quickly and he's up, is that correct?

SAWYER: Yes.

SGT. CAMPBELL: And you talked about seeing a red laser?

SAWYER: Yes.

SGT. CAMPBELL: and you talked about that. Did the laser at any point sweep you or touch you or hit you?

SAWYER: So my experience with lasers is they have to be relatively close to you otherwise like if I'm—if I had a laser ninety degrees to you a lot of times you may not even see it or you may see like a light, very, very faint. This was a very strong beam. I don't remember looking down to see if it was actually on me but from a distance of let's say 25 to 30 yards to go you figure as it

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expands it's expediential so the distance if I were to go, if you and Sergeant Campbell are this far apart to go from here to here wouldn't change much so I don't know where it was actually shining, if it was on me or on the car or on Officer Schiff I don't know but I know that it was very, very bright which to me my experience indicates it was very, very close.

SGT. CRUDO: And I know you kind of touch on this but what did that translate in your mind at that moment, what did that translate to having that beam on you?

SAWYER: It lets me know that he's pointing a laser right at me and he's going to try to shoot me.

SGT. CRUDO: Okay. In this moment where you just before he draws his weapon, we had talked about a little bit earlier about information that you knew, whether or not you knew if there was any indication that there might be a mental health issue or anything like that and specifically talking about in the course of that conversation you talked about if you had known that wasn't a firearm that he was equipped with, that you know less lethal may have been an option, there may have

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been some other issues. So for the record the fact is that that would have changed the response knowing—if you had known that—if you had known that it was not a firearm your response would have been different.

SAWYER: Certainly. Again, we're still going to respond but if it's a man armed with a paintbrush it's going to change obviously the tactics. It's not going to change our response because we're still going to go but it can certainly change tactics.

SGT. CRUDO: Fair enough. And then you talked about your stance when you got out of the car, so you're in the passenger side.

SAWYER: Yes.

SGT. CRUDO: You said that you were in the A-frame, door is open.

SAWYER: Yes.

SGT. CRUDO: And you got—you were down on a knee. Did you notice whether Officer Schiff was in a similar position because you said you checked him.

SAWYER: I know he didn't—I could just see out of my peripheral view I know he didn't leave cover. Exactly if he was kneeling kind of

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squatting, I don't know.

SGT. CRUDO: And is your recollection that you were pretty much in this kneeling position until you broke cover to approach?

SAWYER: Yeah I never changed my shooting platform.

SGT. CRUDO: Okay. And then just with respect to the public safety statement. You said that you gave a public safety statement to Sergeant Riskin.

SAWYER: Well I know over the air right away because I remember I called for a 200, I called for an ambulance, and then I remember over the air I said something about we have an officer involved 217, the cops are okay, the bad guy is down, and I think there was no one else. I don't remember if there's anything else I said over the air but once Sergeant Riskin had showed up I gave him the briefing on what we had, I knew we had to leave.

SGT. CRUDO: And you had talked about the fact that at that moment until you were relieved you were kind of wearing a couple of hats, you are an involved officer but you're also Supervisor at the scene so you're trying to—you talked about

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canvassing for witnesses, making sure that medical—

SAWYER: There's scene safety, there's security, there's witnesses.

SGT. CRUDO: Did you get the opportunity to—you had actually it sounds like you—because you had checked the other officers to see who had fired so you knew the direction of fire, the suspects involved, whether they were outstanding. You had most of the information so did you brief Sergeant Riskin that you had spoke with the other officers? Did you convey that you had—

SAWYER: I believe I told Sergeant Riskin who the involved officers were and a brief overview of there's no other outstanding suspect, we're okay, and you could tell by the casing where we're at and I don't specifically remember using the words of this was the direction we were firing. I don't specifically remember telling him that. I know it was pretty evident when you saw the scene because the path is narrow, there's a hill on one side, a cliff on the other, it kind of could only happen but I don't specifically remember explaining the backdrop of the direction of fire for Sergeant Riskin. I may have, I just don't remember that part. I know it was shooters, no outstanding

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suspects, and that we were okay and the bad guy was down.

SGT. CRUDO: So and the bottom line is so you conveyed the information that you had already collected [unintelligible]

SAWYER: Yes.

SGT. CRUDO: Okay. That's it.

SGT. CAMPBELL: Mr. Stern?

STERN: No thank you.

SGT. CAMPBELL: Sergeant Sawyer is there anything else regarding this incident and investigation that we have not covered that needs to be added?

SAWYER: No.

SGT. CAMPBELL: And is there anything stated during this interview that needs to be changed or clarified?

SAWYER: No.

SGT. CAMPBELL: After you leave this interview should you recall anything that differs from or is in addition to the information you provided today you're ordered to provide that information to me as soon as practical, do you understand?

SAWYER: I do.

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SGT. CAMPBELL: You may discuss this matter with your representative as you choose otherwise I'm ordering you not to discuss any portion of this investigation with any other Department employee, unless you get a different representative at some point.

SAWYER: Okay.

SGT. CAMPBELL: And that's it, this interview is concluded. The time is 1630 hours. The recording will now be ended.

END OF DOCUMENT

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SGT. CAMPBELL: This interview regarding OIS Case 14-004 is taking place at the Officer of Internal Affairs Division on May 16th, 2014, at 1700 hours. Conducting this interview is myself, Sergeant Jayme Campbell, Star 759, Internal Affairs Division. Assisting me in this interview from the Internal Affairs Division is?

SGT. CRUDO: Sergeant John Crudo, c-r-u-d-o, Star number 1694.

SGT. CAMPBELL: The member being interviewed is—please state your name and rank and Star number.

MORSE: Officer Morse, police officer, Star number 1923.

SGT. CAMPBELL: And Officer Morse is a named officer in this member—excuse me, in this matter. Representing Officer Morse is?

STERN: Harry Stern, s-t-e-r-n.

SGT. CAMPBELL: And Officer Morse have you read Department General Order 2.01 Rule 21?

MORSE: Yes.

SGT. CAMPBELL: And have you read Government Code 3303E?

MORSE: Yes.

SGT. CAMPBELL: And Officer Morse do you u

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understand that this interview is being recorded?

MORSE: Yes.

SGT. CAMPBELL: Because there could be criminal culpability on your part I am advising you that you have the right to remain silent, anything you say may be used again you in a court of law. You have the right to the presence of an attorney before and during any questioning. If you cannot afford an attorney one will be appointed for you free of charge before any questioning if you want. Do you understand each of these rights as I have explained them to you?

MORSE: Yes.

SGT. CAMPBELL: Are you prepared to be interviewed at this time?

MORSE: No.

SGT. CAMPBELL: Although you have the right to remain silent and not incriminate yourself your silence may be deemed insubordination and result in administrative discipline up to and including removal from off as a police officer. In Garrity v. New Jersey and reaffirmed in Gardner v. Broderick the United States Supreme Court held that a public employee has the right to be free from compulsory self-incrimination. When an employee is

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compelled to provide a statement under the threat of removal from office the statement cannot be used against the employee is a subsequent criminal prosecution. In Lybarger v. City of Los Angeles the California Supreme Court held that although you have the right to remain silent and not incriminate yourself your silence may be deemed insubordination and as such result in the imposition of administrative discipline up to and including termination. Any statement by you under the compulsion of such a threat cannot be used against you in a later criminal proceeding related to this incident. If you do answer my questions your statements and any information gathered by reason of such will be held confidential in accordance with California Penal Code 832.7. Your statement and the information gathered shall not be divulged except as required by law. Do you understand these decisions?

MORSE: Yes.

SGT. CAMPBELL: Have you read or been advised of the Police Officer Bill of Rights?

MORSE: Yes.

SGT. CAMPBELL: And do you understand your rights?

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MORSE: Yes I do.

SGT. CAMPBELL: And do you understand that I'm conducting an administrative investigation?

MORSE: Yes I do.

SGT. CAMPBELL: Officer Morse my name is Sergeant Jayme Campbell, I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation, I am therefore ordering you to answer my questions, do you understand this statement?

MORSE: Yes I do.

SGT. CAMPBELL: And Officer Morse are you prepared to be interviewed at this time?

MORSE: Yes.

SGT. CAMPBELL: Okay. Very quickly to start off, you got your transcripts?

MORSE: Yes.

SGT. CAMPBELL: And the disk?

MORSE: Yes I did.

SGT. CAMPBELL: And did you get a chance to go over these?

MORSE: Yes I did.

SGT. CAMPBELL: And is there anything egregious in your statement that you feel needs to

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be corrected, clarified?

MORSE: No.

SGT. CAMPBELL: If you—if anything pops into your mind feel free to let me know, okay.

MORSE: Okay.

SGT. CAMPBELL: Okay. These first set of questions are just going to be your basics, just to kind of get to know who you are on the tape. Okay?

MORSE: Sure.

SGT. CAMPBELL: How long have you been a member of the San Francisco Police Department?

MORSE: A little over eight years now.

SGT. CAMPBELL: And eight years total in law enforcement?

MORSE: Yes.

SGT. CAMPBELL: No prior law enforcement?

MORSE: No.

SGT. CAMPBELL: Any military?

MORSE: No.

SGT. CAMPBELL: Okay. And where are you currently assigned?

MORSE: Ingleside Station.

SGT. CAMPBELL: And is that where you were assigned on the night of the incident that we're here about?

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MORSE: Yes I was.

SGT. CAMPBELL: And how long have you been on this assignment?

MORSE: A little over six years.

SGT. CAMPBELL: As you're aware this interview is in regards to the incident that occurred in Bernal Heights Park at approximately 1911 hours on Friday, March 21st, 2014. Do you have a recollection of this incident to which I refer?

MORSE: Yes I do.

SGT. CAMPBELL: And as I explained to your partners, when I ask you these questions I want you to answer them from the perspective of that night. I'm certain you've gotten all kinds of new information since the incident but just answer from what you recall you knew that night, okay? Do you recall the weather and lighting at the time of the incident in question?

MORSE: Yes.

SGT. CAMPBELL: And can you describe it to me?

MORSE: It was a clear night. I know the sun hasn't—it wasn't dark but I know the sun wasn't up on our side of the hill but it wasn't like you needed a flashlight.

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SGT. CAMPBELL: So no streetlights?

MORSE: No.

SGT. CAMPBELL: Did you use your floodlights or spotlights?

MORSE: No, it wasn't dark enough for that.

SGT. CAMPBELL: Okay. What shift were you working that day?

MORSE: Swing shift.

SGT. CAMPBELL: And what were the hours?

MORSE: 4:00 to 2:00 a.m. or 1600 to 02.

SGT. CAMPBELL: And your call sign?

MORSE: Was the 3 Henry 15 David.

SGT. CAMPBELL: And did you have a partner that night?

MORSE: I did.

SGT. CAMPBELL: And who was that?

MORSE: Officer Nate Chew.

SGT. CAMPBELL: And you had explained in your homicide interview that your uniform was your Class B uniform. Was your Star on your outermost garment?

MORSE: Yes it was.

SGT. CAMPBELL: And was it your silver Star or was it embroidered?

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MORSE: It was the Star.

STERN: And for the record what is that?

MORSE: This is the silver Star.

STERN: Sorry.

SGT. CAMPBELL: That's okay, thank you. And how were you equipped, i.e. communication, weapons, and whatnot?

MORSE: Just the standard in uniform of the day, Class Bs, regular radio, gun, magazine, handcuffs.

SGT. CAMPBELL: Any other force options?

MORSE: I had OC on me, baton.

SGT. CAMPBELL: Okay. And what's your primary firearm?

MORSE: The Sigsaur 40 cal.

SGT. CAMPBELL: Okay and do you carry a backup firearm?

MORSE: No, I do not.

SGT. CAMPBELL: And was your primary firearm fully loaded?

MORSE: Yes.

SGT. CAMPBELL: You had twelve in each of the magazines plus one in the chamber is that correct?

MORSE: Yes.

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SGT. CAMPBELL: Okay. And how about the vehicle you were driving that night was it marked, unmarked?

MORSE: Marked vehicle.

SGT. CAMPBELL: Working lights and sirens?

MORSE: Yes, everything was working properly.

SGT. CAMPBELL: And was it a license plate reading car or just your standard—do you recall if it had that program in it?

MORSE: I don't recall if it did on that one.

SGT. CAMPBELL: Okay. And did you have a shotgun?

MORSE: I don't recall, I don't think we did.

SGT. CAMPBELL: Okay, how about ERIW?

MORSE: I don't recall either.

SGT. CAMPBELL: Are either you or your partner Specialists? Did you have a patrol rifle?

MORSE: None of us are Specialists.

SGT. CAMPBELL: Okay.

MORSE: Well at least me and my partner.

SGT. CAMPBELL: I'm going to give you the option at this point—your past partners I've

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allowed to kind of walk themselves through the incident. If you feel that will give you a better recollection because I'm going to ask you some more pinpointed questions afterwards I can do that. If you want to walk through it, if not I can just ask you the pinpointed questions. It's up to you, what do you feel?

MORSE: Just the pinpointed questions is fine.

SGT. CAMPBELL: Okay. And again just to clarify, your Homicide interview from what you read is accurate?

MORSE: To the best that the person who is typing it up can be. [laughs]

STERN: Were there, I'm sorry, were there any—I know Sergeant Campbell asked you this but were there any errors of fact on the record?

MORSE: No, no.

STERN: So maybe some misspellings or?

MORSE: It just flows weird, yeah.

SGT. CAMPBELL: Okay. Let's see. The call comes out at Bernal Heights, a guy with a gun on his hip and he's wearing red. What did you think when you heard that call?

MORSE: I was thinking okay there's a

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Norteno up there.

SGT. CAMPBELL: Okay. Anything else come to mind? You know, thinking what he might be up to?

MORSE: Yeah, I mean we've gotten a gun up there before, not fairly recently it was a few years back but same thing, just Nortenos up there hanging out.

SGT. CAMPBELL: Okay. Now when you responded to a 221 call, person with a gun, what sort of tactical things are going through your mind at the time?

MORSE: Where he's at, how many people are going to be around, what kind of cover there's going to be, what's going to be behind him stuff like that.

SGT. CAMPBELL: Okay. Do you—not usually but when you feel the need do you draw your firearm when you're responding to a 221 call, person with a gun call?

MORSE: Like when I'm in the car still or when I'm out?

SGT. CAMPBELL: When you feel—

MORSE: Yeah, I usually do, yeah.

SGT. CAMPBELL: Okay. Do you have much experience with Tasers?

MORSE: None.

SGT. CAMPBELL: Okay. So when you—when you get to the scene from what I understand you were not the first person to engage with the suspect is that correct?

MORSE: That's correct.

SGT. CAMPBELL: When you got to—from what I understand there's a gate that leads to the access road where the subject was contacted, what did you see when you got to that gate?

MORSE: I remember I was just paying attention to my driving and driving to navigate through the rocks and I just see maybe ten officers on foot kind of just walking up that way.

SGT. CAMPBELL: And do you know what the distance was from that gate to where you ended up stopping your car?

MORSE: A couple hundred yards or more.

SGT. CAMPBELL: A couple hundred yards, okay. Now when you—well let me ask you this, are you—do you have any crisis intervention training?

MORSE: CIT, yeah, I'm trained.

SGT. CAMPBELL: Okay. Were you given any information regarding the mental status of the suspect prior to contacting him?

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MORSE: Not that I recall.

SGT. CAMPBELL: Were you thinking in your mind as you're responding to this call without that information any information that he had any mental disabilities? Was that going through your mind, any skills that you mind have used regarding your CIT?

MORSE: No.

SGT. CAMPBELL: And why not?

MORSE: It's a person with a gun. You know, they teach us that takes priority over anything.

SGT. CAMPBELL: Okay. When you passed the folks that were walking up the path did you see the other patrol car stopped up there?

MORSE: Eventually I did, yeah.

SGT. CAMPBELL: Okay. And according to your statement you came up sort of canted to the right and a little bit behind that patrol car?

MORSE: Yes.

SGT. CAMPBELL: Okay. The first moment that you saw the suspect what was he doing?

MORSE: He was proned out with his arms extended out forward and his hand was moving like this and you could see flashes and dust flying.

SGT. CAMPBELL: Okay. So did you actually

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hear anything prior to even getting up?

MORSE: Yeah, when I was driving through, you've probably been out there, you've seen it, the rocks, that little area, you can hear the gunshots and I still didn't look up there yet because I didn't want to run over the guys that were running but Nate was—my partner is yeah there's gunshots we got to go up there. Okay.

SGT. CAMPBELL: Okay. So you pull up, you stop the car. Did you immediately draw your firearm?

MORSE: No.

SGT. CAMPBELL: Okay, what did you do?

MORSE: I looked at the passenger to see like I said before I didn't know who it was, to see if they were okay. They appeared to be uninjured and I couldn't see the driver so then I went around the back to see if the driver was okay and he appeared fine and then I drew my firearm [unintelligible]

SGT. CAMPBELL: Okay so to clarify for me because I guess I was under the impression that you were at your patrol car when you returned fire to the suspect? Okay, so you had exited your vehicle, went around the back?

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MORSE: Yeah, so I'm the driver, so I went around once I saw the passenger was okay which okay it ended up being Sawyer but—so I went around the back of their patrol car to the driver's side where Schiff was.

SGT. CAMPBELL: Okay. Did you have cover or concealment?

MORSE: The door, it's not that great but yeah.

SGT. CAMPBELL: And that's where you observed the suspect in the prone position with his arms extended out as you described?

MORSE: Yeah I first saw him when we pulled up and I was stopping.

SGT. CAMPBELL: Okay and what did you think he was doing?

MORSE: Shooting at Sawyer and Schiff.

SGT. CAMPBELL: Okay. When you saw him there or at any point did you recognize the suspect?

MORSE: Not at all.

SGT. CAMPBELL: You'd never seen him before, never had any prior contacts with him?

MORSE: Not that I recall, no.

SGT. CAMPBELL: Okay. And when you

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approached—when you were coming up the hill in your car did you have lights and sirens or do you recall?

MORSE: I don't know, I don't recall actually. I think I flicked my lights on when we came up the road or later on so I think they were one when I parked but I couldn't be sure.

SGT. CAMPBELL: Your overhead lights or your headlights?

MORSE: The overhead lights.

SGT. CAMPBELL: Okay. Did you have sirens that you were utilizing that you recall?

MORSE: Nor that I recall.

SGT. CAMPBELL: Okay. When you first saw the suspect proned out, arms stretched out with a weapon in his hand were you able to ascertain his mental status?

MORSE: No.

SGT. CAMPBELL: Even with your CIT training?

MORSE: No.

SGT. CAMPBELL: Okay. If you had information regarding this suspect's mental status would your response to the scene have been any different?

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MORSE: No.

SGT. CAMPBELL: And why not?

MORSE: Because it was a gun call.

SGT. CAMPBELL: And from your training and experience what could potentially happen?

MORSE: Him shooting us or somebody else killing him.

SGT. CAMPBELL: Okay. Have you responded to calls of persons with a gun in the past?

MORSE: Yes.

SGT. CAMPBELL: And has every incident resulted in someone having an actual gun?

MORSE: No.

SGT. CAMPBELL: Knowing that not every situation results with someone actually having a gun has this altered the way you respond to these types of calls?

MORSE: No.

SGT. CAMPBELL: And why not?

MORSE: Because even when this, you know, in the past subjects had a gun they were, you know, they weren't proned out you know shooting at us, they just you know okay drop the gun or they'd run.

SGT. CAMPBELL: Okay. When you got the scene and you made your approach over to where

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Officer Schiff was were you hearing any commands being given from anybody?

MORSE: No.

SGT. CAMPBELL: Did you give any commands?

MORSE: No I didn't.

SGT. CAMPBELL: Okay, so describe for me again, you've already kind of mentioned it, so you said you—the first time you saw the suspect he was in the prone position.

MORSE: Yes.

SGT. CAMPBELL: And you explained he was on his stomach, is that correct?

MORSE: Yes.

SGT. CAMPBELL: Arms stretched out?

MORSE: Yes.

SGT. CAMPBELL: And where was he looking?

MORSE: Straight at Sawyer and Schiff.

SGT. CAMPBELL: Okay and you—when you exhibited to me his arms stretched out and his hand you indicated that his hands were kind of popping back as if there was some force coming out of it?

MORSE: Like a kicking with a gun, yeah.

SGT. CAMPBELL: Okay. Did you see any red laser lights or anything like that coming from the gun?

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MORSE: A red laser light, no I don't recall seeing that.

SGT. CAMPBELL: Okay. What kinds of things did you hear when you were there?

MORSE: I don't know, I seemed to go deaf really. I mean I heard you know gunshots and then once I came around to Schiff's side eventually you hear red, covering, you know, those commands like at the range from I guess it was Sawyer and Schiff giving those.

SGT. CAMPBELL: Okay. You don't know who said what though, was it?

MORSE: Their exact words, no. I remember Schiff said you know red and then Sawyer was like you know it was back and forth.

SGT. CAMPBELL: When you began firing your weapon what was your position, were you standing, knelling?

MORSE: Standing.

SGT. CAMPBELL: Standing, okay. Do you recall what your—where your partner was at the time, Officer Chew?

MORSE: No.

SGT. CAMPBELL: Okay. So when you left the driver's side of your car you don't know what he

did or do you know?

MORSE: Yeah, I know he exited and then started to move I guess to the I guess that's kind of northeast like to the side of the hill.

SGT. CAMPBELL: So to his right?

MORSE: Yeah.

SGT. CAMPBELL: Okay. Aside from wearing your uniform were you able to identify yourself as a police officer to the suspect?

MORSE: No.

SGT. CAMPBELL: Do you recall if when you exited your patrol vehicle was your door open or did it slam shut or?

MORSE: It stayed open.

SGT. CAMPBELL: And do you recall Officer Schiff and Sergeant Sawyer were they behind their doors?

MORSE: Yes.

SGT. CAMPBELL: And were they in a marked vehicle as well?

MORSE: Yes they were.

SGT. CAMPBELL: Okay.

MORSE: Actually Schiff was still in the driver's seat I believe, yeah, so he wasn't really behind the door. The door was open but he was more

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just kind of sitting outside the driver's seat.

SGT. CAMPBELL: Okay. Where was he firing from? Like in between the A pillar and the-

MORSE: I guess the A pillar and the door. Kind of the same thing that Sawyer was doing, so. Sawyer was kind of out more.

SGT. CAMPBELL: Okay. Is there any reason to believe that the suspect wouldn't have known that you were police officers?

MORSE: No.

SGT. CAMPBELL: And why do you think that?

MORSE: We were in full uniform. We had the police cars.

SGT. CAMPBELL: The lighting, what do you think-was there anything obstructing his view from you or the cars?

MORSE: None.

SGT. CAMPBELL: In your statement to Homicide both Inspector Bonner and Sergeant Cagney sort of-kind of stated for you your answer to why you were firing, they both indicated-so you returned fire to protect yourself and anyone who was around you. Can you tell me in your own words why you fired your weapon?

MORSE: Sure, to stop this guy from

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shooting at us. Well, you know, Schiff and Sawyer.

SGT. CAMPBELL: Okay. When you came around to Schiff did you have any fear that perhaps he was going to fire at you as well?

MORSE: Schiff or?

SGT. CAMPBELL: No, when the suspect was firing at Schiff, when the suspect—

MORSE: Yeah, I did, for sure. Even when I—right when I exited I said I just knew I said okay I'm probably going to take fire but I wanted to make sure that those guys were okay so—

SGT. CAMPBELL: Okay. And so when you fired your weapon was it more than just for the protection of Sawyer and Schiff?

MORSE: Well I guess for myself included and my partner, sure.

SGT. CAMPBELL: Okay. Did you—when you were approaching up besides the officers that you drove past did you see any other civilians in the area?

MORSE: No.

SGT. CAMPBELL: Okay. Did you—were you able to give a warning before you started firing?

MORSE: No.

SGT. CAMPBELL: And why not?

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MORSE: It was already an engaged gunfight so I just figured my warning just could probably make the difference if I stand there and give him verbal commands that somebody is going to get hurt, so.

SGT. CAMPBELL: So was there any time for you give a verbal command?

MORSE: No.

SGT. CAMPBELL: Okay. Do you know how many rounds you fired?

MORSE: No.

SGT. CAMPBELL: Do you recall your stance and your grip?

MORSE: Just the standard Academy-taught grip and I was just standing normal, I don't even think it was anything exaggerated, just a regular stance.

SGT. CAMPBELL: Okay. And what was your target?

MORSE: The subject.

SGT. CAMPBELL: Were you able to acquire sights?

MORSE: Yes.

SGT. CAMPBELL: And what was the background? Do you recall what the background was?

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MORSE: I remember it was slightly uphill and then there were trees so it was pretty clear.

SGT. CAMPBELL: Nothing back there that would cause you concern?

MORSE: No.

SGT. CAMPBELL: Okay once—when did you stop firing?

MORSE: I heard Sergeant Sawyer yell out stop firing.

SGT. CAMPBELL: Okay. Did you feel that the threat was over when he yelled stop firing?

MORSE: No.

SGT. CAMPBELL: And why not?

MORSE: Because we haven't got the weapon out of the subject's hand, we don't know if he's still alive or not.

SGT. CAMPBELL: Okay. When you stopped firing how did you guys end up approaching the suspect?

MORSE: I believe it was Sergeant Sawyer said we need to approach. Okay, then I just came out from my door and I started walking towards him. So to his—

SGT. CAMPBELL: Came out from your door?

MORSE: From Schiff's door, from his side,

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came around the door and then started walking up sort of, I don't know I guess to the left side.

SGT. CAMPBELL: Okay. And was the suspect doing anything at that time?

MORSE: I remember it looked like he was sort of rolling a little bit but it really wasn't like a lot, it was just a little bit.

SGT. CAMPBELL: And did you hear anybody saying anything to him or did you say anything, shout out any commands or anything like that?

MORSE: Yeah I was just saying don't—I think I said don't move. If anything else I don't recall.

SGT. CAMPBELL: Was the weapon still in his hand?

MORSE: Yes.

SGT. CAMPBELL: At what point—I'm sure now, you know, word has gotten out that it was a Taser. At what point did it come to your attention that it was a Taser?

MORSE: Not until I got a right up on top on them. So I'm pretty much like right over his hands.

SGT. CAMPBELL: And did you know immediately or did you?

MORSE: No. I even—like I said, I'm not familiar with them. I've seen them maybe on TV or whatever but I just, you know, we get fliers of toys made into guns so I just, I didn't know.

SGT. CAMPBELL: Did you see any wires coming out of it?

MORSE: At the—I know I remember interviewing at the time, no. I didn't recall. But I remember later like year I did see a gold wire or copper I guess is what it is but no at the time I didn't.

SGT. CAMPBELL: And was the suspect still—was it difficult to get the weapon out of his hand or?

MORSE: Well I did the first kick and I just figured it was going to be pretty easy but it actually was a pretty strong grip so the second kick was pretty hard.

SGT. CAMPBELL: Okay. Did you have an ERIW in your vehicle?

MORSE: Not that I recall.

SGT. CAMPBELL: Okay. If you had a an ERIW in your car would it have been a reasonable option to use in this situation?

MORSE: No.

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SGT. CAMPBELL: Why not?

MORSE: Because it was a gun.

SGT. CAMPBELL: The call you mean?

MORSE: Yeah, it's a gun call.

SGT. CAMPBELL: Do you recall experiencing any sensory distortions such as tunnel vision, intrusive thoughts, memory loss?

MORSE: Like during it?

SGT. CAMPBELL: Yeah.

MORSE: Yeah, I didn't really hear anything but no tunnel vision, it just seemed like all I heard was gunshots and nothing else.

SGT. CAMPBELL: No thoughts of you know my God my family, you know what I am—I might not make it home tonight, things like that?

MORSE: No, not at all.

SGT. CAMPBELL: Aside from Sergeant Sawyer did any other Supervisor respond to the scene?

MORSE: Sergeant Riskin.

SGT. CAMPBELL: Okay. And do you recall providing a public safety statement to I guess either Sergeant Sawyer or Riskin?

MORSE: No.

SGT. CAMPBELL: Okay. And how long were you on on-scene until you were removed from the

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scene?

MORSE: I don't recall like a time-frame. Maybe I know it was—I use the radio a few times, went in the trunk. Maybe five to ten minutes, somewhere in there.

SGT. CAMPBELL: Okay. And what did you go to the trunk for?

MORSE: Crime scene tapes and people wanted chalk. I was just seeing what I had for them because they were going to start, you know, crime scene log and everything.

SGT. CAMPBELL: Okay. And were you separated from the other officers involved in the incident?

MORSE: Eventually when I left, yeah.

SGT. CAMPBELL: And were you monitored?

MORSE: Yes.

SGT. CAMPBELL: Do you recall by who?

MORSE: Yes. Brian Hopkins, Officer Hopkins.

SGT. CAMPBELL: And did you suffer—did you suffer any physical injuries as a result of this incident?

MORSE: No I did not.

SGT. CAMPBELL: And has in the incident

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impacted you in other ways—loss of sleep, appetite, mood?

MORSE: No.

SGT. CAMPBELL: And you already explained that you didn't know the suspect, you didn't recognize him from any prior contacts.

MORSE: No.

SGT. CAMPBELL: Okay. What was your intent in responding to the scene?

MORSE: Find the subject with a gun and take him into custody.

SGT. CAMPBELL: Okay. What was your intent in firing your weapon?

MORSE: To stop him from harming myself and my fellow officers.

SGT. CAMPBELL: Okay. Were other force options considered?

MORSE: No.

SGT. CAMPBELL: And why not?

MORSE: Because it was at the time perceived it was a gun and he was shooting at us so the only option I have is to return fire.

SGT. CAMPBELL: Okay. John?

SGT. CRUDO: Okay, a couple of questions officer. So—and I'll try and do these sort of in

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the order of the events, so bear with me, okay. Going to the equipment that you carried how many magazines did you have with you? You mentioned one.

MORSE: Two outside the gun.

SGT. CRUDO: One in your weapon?

MORSE: Yes and then the two in the pouch.

SGT. CRUDO: So a total of three magazines in your possession, no more?

MORSE: No.

SGT. CRUDO: Okay. You mentioned as you got the call you heard the description of the suspect and you were thinking oh it's a Norteno. What does that mean?

MORSE: Gang member.

SGT. CRUDO: Okay, but what does that mean? So how does that factor into your approach and response?

MORSE: Somebody who doesn't really care for us or anybody else around him. Usually going to have weapons or something else onboard.

SGT. CRUDO: Do you tend to work like the 5 Car in the Ingleside? Is that like your normal?

MORSE: No, I move around.

SGT. CRUDO: Okay. At Ingleside then you've had some experience dealing with gang

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members?

MORSE: Yes.

SGT. CRUDO: And so are they frequently armed?

MORSE: Yeah, frequently, you know, maybe half or less.

SGT. CRUDO: So did the fact that—or your perception that this could be a Norteno did that make the threat of an armed suspect, an armed person more credible or less credible?

MORSE: I'd say more credible.

SGT. CRUDO: You mentioned before that we got a gun there before, who is we?

MORSE: Me and other officers at Ingleside. It was quite some years ago.

SGT. CRUDO: So you were working with other Ingleside officers at the time and you guys recovered another weapon out there, okay. Do you believe that your approach was with—it may have been with red lights on? You had mentioned that you recall turning them off.

MORSE: Yes I think—

SGT. CRUDO: Would you have turned them on?

MORSE: So I think when—right when Nate

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said shots are being fired and I heard him I believe I threw the lights on I just don't remember. Because I remember going back in the car when I was going to the trunk and flicking them on.

SGT. CRUDO: So then you described sort of driving up the road, passing some officers, and then you also described running. So at some point as you round the gate where you hear the shots fired?

MORSE: Uh-huh.

SGT. CRUDO: And then you probably, not a hundred percent sure, but your best recollection is that you may have hit the light bar then. So your approach towards the suspect you do have your red lights on?

MORSE: Yes.

SGT. CRUDO: Okay, in a black and white vehicle with police markings?

MORSE: Yes.

SGT. CRUDO: Okay. And then you said CIT trained?

MORSE: Yes.

SGT. CRUDO: Do you recall when. Year, what year?

MORSE: I want to say well over a year and

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a half ago I think.

SGT. CRUDO: Okay, so within less than two years? Two years or so?

MORSE: I believe so yeah, right around there.

SGT. CRUDO: So that training is relatively fresh?

MORSE: Yes.

SGT. CRUDO: So in your perception and not to continue to harp on it but your perception it that from your—your are CIT trained, but that it was not going to be, the CIT training would not have been in play?

MORSE: It's not at the forefront considering it's a gun call.

SGT. CRUDO: Okay. You talked about when you first saw the suspect that you saw him proned out, arms extended, you had heard gunshots and you said you used the word kicking the gun and you made some mention of it as well in your Homicide interview that in the Homicide interview you showed your hand jerking.

MORSE: Yes.

SGT. CRUDO: What does that mean?

MORSE: Like when I'm firing a gun at the

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range you know your hands kick back from the blast of the bullet being expended.

SGT. CRUDO: Do did it appear to you—did it appear to be a recoil?

MORSE: Yes.

SGT. CRUDO: So how did that factor into your perception of what you were encountering?

MORSE: It was like okay this guy is shooting at Schiff and Sawyer.

SGT. CRUDO: Okay. and from where you saw him you saw the hands—were you able to see a weapon?

MORSE: Yes.

SGT. CRUDO: Okay and can you describe the weapon as you recall seeing it?

MORSE: It looked like a black semi-auto.

SGT. CRUDO: Okay. And you mentioned you believed that he was shooting?

MORSE: Yes.

SGT. CRUDO: Okay. I understand where you're coming from when you say that you had no reason to—for the suspect not to believe that you were a police officer because you said at some point but did he give you any indication, anything that appeared to show recognition that you or the

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other officers there were in fact police officers? Did her verbalize anything, do you recall anything that really would have other than the mere fact of common sense and the clear visibility of the evening would have indicated that did he?

MORSE: No.

SGT. CRUDO: Okay. You mentioned that you stopped firing when Sergeant Sawyer ordered you to stop or gave the command to stop firing and you had a statement there about your—in the Homicide interview about your respect for Sergeant Sawyer and your trust in him and I will submit that he does have great command presence and is a—you know. But that being said you also said here that you didn't—and I believe in your Homicide interview as well you didn't feel your perception was that the threat was not quite over so you've elaborated on that a little bit today but as you approached him were you fearful?

MORSE: Yes.

SGT. CRUDO: Why?

MORSE: Because the gun was still in his hand.

SGT. CRUDO: The gun was in his hand. And then you talked about when you got up there you had

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to give two-kick at the weapon twice, the first time probably a little more gentle than the second time.

MORSE: Yes.

SGT. CRUDO: Because he had you said quote-unquote a strong grip. So can you tell me how he was holding the weapon?

MORSE: It was still in both hands and canted to the right.

SGT. CRUDO: And you're holding one hand inside the other.

MORSE: Yes I think it was like-so holding one hand inside of the other and it was canted to I guess his left so when I come up I come up to like the butt of the handle of the gun.

SGT. CRUDO: Okay and at that point it still appears to you, the weapon still appears to be a semi-automatic weapon, you've talked about that a little bit. And the way that he's holding the weapon is that consistent with somebody who fires a weapon because you're holding your hands together?

MORSE: Yes.

SGT. CRUDO: So it is a shooting or firing stance?

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MORSE: Yes.

SGT. CRUDO: Okay.

SGT. CAMPBELL: Grip.

SGT. CRUDO: Grip, thank you. Thank you. No further questions.

SGT. CAMPBELL: Mr. Stern?

STERN: No thanks.

SGT. CAMPBELL: Officer Morse Is there anything else regarding this incident and investigation that we have not covered that needs to be added?

MORSE: No.

SGT. CAMPBELL: And is there anything stated during this interview that needs to be changed or clarified?

MORSE: No.

SGT. CAMPBELL: After you leave this interview should you recall anything that differs from or is in addition to the information you provided today you're ordered to provide that information to me as soon as practical, do you understand?

MORSE: Yes I do.

SGT. CAMPBELL: You may discuss this matter with your representative as you choose

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otherwise I'm ordering you not to discuss any portion of this investigation with any other Department employee unless he gets by a new representative, do you understand?

MORSE: I understand.

SGT. CAMPBELL: Okay, this interview is concluded the time is—16—approximately 1640 hours.

END OF DOCUMENT

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SGT. CAMPBELL: This interview regarding OIS Case 14-004 is taking place at the Office of Internal Affairs Division on May 16th, 2014, at approximately 1820 hours. Conducting this interview is myself, Sergeant Jayme Campbell, Star 759, Internal Affairs Division. Assisting me in this interview from Internal Affairs Division is?

SGT. CRUDO: Sergeant John Crudo, c-r-u-d-o. Star number 1694.

SGT. CAMPBELL: The member being interviewed is—please state your name and Star number and rank.

CHEW: Officer Nathan Chew, Star number 2088.

SGT. CAMPBELL: And Officer Chew is a named officer in this matter and representing Officer Chew is?

STERN: Harry Stern, s-t-e-r-n.

SGT. CAMPBELL: Have you read Department General Order 2.01 Rule 21?

CHEW: Yes.

SGT. CAMPBELL: And have you read Government Code 3303E as encompassed in DGO 2.08?

CHEW: Yes.

SGT. CAMPBELL: Officer Chew do you

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understand that this interview is being recorded?

CHEW: Yes.

SGT. CAMPBELL: Because there could be criminal culpability on your part I am advising you that you have the right to remain silent, anything you say may be used again you in a court of law. You have the right to the presence of an attorney before and during any questioning. If you cannot afford an attorney one will be appointed for you free of charge before any questioning if you want. Do you understand each of these rights as I have explained them to you?

CHEW: Yes.

SGT. CAMPBELL: Are you prepared to be interviewed at this time?

CHEW: No.

SGT. CAMPBELL: Although you have the right to remain silent and not incriminate yourself your silence may be deemed insubordination and result in administrative discipline up to and including removal from off as a police officer. In Garrity v. New Jersey and reaffirmed in Gardner v. Broderick the United States Supreme Court held that a public employee has the right to be free from compulsory self-incrimination. When an employee is

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compelled to provide a statement under the threat of removal from office the statement cannot be used against the employee is a subsequent criminal prosecution. In Lybarger v. City of Los Angeles the California Supreme Court held that although you have the right to remain silent and not incriminate yourself your silence may be deemed insubordination and as such result in the imposition of administrative discipline up to and including termination. Any statement by you under the compulsion of such a threat cannot be used against you in a later criminal proceeding related to this incident. If you do answer my questions your statements and any information gathered by reason of such will be held confidential in accordance with California Penal Code 832.7. Your statement and the information gathered shall not be divulged except as required by law. Do you understand these decisions?

CHEW: Yes.

SGT. CAMPBELL: Have you read or been advised of the Police Officer Bill of Rights?

CHEW: Yes.

SGT. CAMPBELL: And do you understand your rights?

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CHEW: Yes.

SGT. CAMPBELL: And do you understand that I'm conducting an administrative investigation?

CHEW: Yes.

SGT. CAMPBELL: Officer Chew, my name is Sergeant Jayme Campbell, I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation I am therefore ordering you to answer my questions, do you understand this statement?

CHEW: Yes.

SGT. CAMPBELL: Officer Chew are you prepared to be interviewed at this time?

CHEW: Yes.

SGT. CAMPBELL: I'm going to start off by asking you did you receive the transcripts that I sent you from your Homicide interview?

CHEW: I did.

SGT. CAMPBELL: And the CD?

CHEW: Yes.

SGT. CAMPBELL: Did you get a chance to look over them?

CHEW: I read through the transcripts. I didn't listen to the CD.

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SGT. CAMPBELL: Okay. My question to you then is there anything in this transcript in your statement that seems to be—that was misrepresented in any way?

CHEW: No.

SGT. CAMPBELL: Any egregious mistakes that you feel need to be corrected or clarified?

CHEW: No, I didn't see any.

SGT. CAMPBELL: Okay, if you think of anything while we're going along feel free to point that out. Okay?

CHEW: Okay.

SGT. CAMPBELL: All right. So these first questions are just going to be kind of a get to know you on the record. How long have you been a member of the San Francisco Police Department?

CHEW: About six and a half years.

SGT. CAMPBELL: And do you have any previous police, sheriff or military experience?

CHEW: No.

SGT. CAMPBELL: And where are you currently assigned?

CHEW: Ingleside Station.

SGT. CAMPBELL: And on the night of the incident that we're here for were you at Ingleside?

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CHEW: I was.

SGT. CAMPBELL: Okay. And how long have you been on this assignment?

CHEW: Since September of 2008 I believe. Almost six years.

SGT. CAMPBELL: As you are aware this interview is in regards to the incident that occurred in Bernal Heights Park at approximately 1911 hours on Friday, March 21st, 2014. Do you have a recollection of this incident to which I refer?

CHEW: Yes.

SGT. CAMPBELL: Okay and so these questions that I'm going to ask you as I ask them along, as I asked your partners, when you answer them answer them from the frame of mind of that night.

CHEW: Okay.

SGT. CAMPBELL: Because I know from that point on I'm sure you've gathered all kinds of information of things that you now know that you didn't know then or didn't realize then. But when you answer the questions answer them as if it was that night, what you recall from that night, okay?

CHEW: Okay.

SGT. CAMPBELL: Do you recall the weather

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and lighting at that time of the incident in question?

CHEW: I do.

SGT. CAMPBELL: And can you describe that for me.

CHEW: It was still bright out. There were no street lights out there, it was a clear day.

SGT. CAMPBELL: Do you recall if there were any headlights or spotlights or anything?

CHEW: I don't believe so.

SGT. CAMPBELL: And what shift were you working that day?

CHEW: Swing shift, it was 16 to 02.

SGT. CAMPBELL: And what was your call sign, do you recall?

CHEW: I believe the 15 Henry 15 David. I forgot.

SGT. CAMPBELL: Possibly?

CHEW: Possibly.

SGT. CAMPBELL: Okay. And did you have a partner that night?

CHEW: I did.

SGT. CAMPBELL: And who was that?

CHEW: That was Officer Roger Morse.

SGT. CAMPBELL: And I know you explained

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in your Homicide interview, you were wearing your Class Bs that day?

CHEW: Correct.

SGT. CAMPBELL: Can you describe what Star you had on, was it your pin-on metal Star, was it embroidered?

CHEW: Yes, it was a pin-on Star.

SGT. CAMPBELL: Okay. And how were you equipped, ie communication, weapons?

CHEW: My radio and my Department issued firearm, Department issued pepper spray, handcuffs, I'm sorry I'm trying to think what else is on the belt—keys, extra magazines.

SGT. CAMPBELL: Okay, extra magazines. And your primary firearm was that Department issued?

CHEW: Yes.

SGT. CAMPBELL: And do you recall what kind that was?

CHEW: It's a Sigsaur P226.

SGT. CAMPBELL: Okay and do you carry a backup firearm?

CHEW: I don't.

SGT. CAMPBELL: And was your primary firearm fully loaded?

CHEW: Yes.

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SGT. CAMPBELL: Meaning one magazine with an extra round in the chamber?

CHEW: Yes.

SGT. CAMPBELL: And do you know how many weapons—or excuse me, how many bullets are in each magazine?

CHEW: Twelve.

SGT. CAMPBELL: And you said you had extra magazines, two extra magazines?

CHEW: Two extra magazines.

SGT. CAMPBELL: Were those loaded to their capacity?

CHEW: Yes.

SGT. CAMPBELL: And the vehicle I understand you were the passenger that night, is that correct?

CHEW: Correct.

SGT. CAMPBELL: Okay and was it a marked radio car?

CHEW: It was.

SGT. CAMPBELL: And do you recall if the lights and sirens were functioning?

CHEW: They were functioning—I don't believe they were on when we arrived.

SGT. CAMPBELL: Just were they

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functioning?

CHEW: Yeah.

SGT. CAMPBELL: Okay. Was it a special vehicle, did it have the license plate reader in it or anything like that?

CHEW: I don't believe so.

SGT. CAMPBELL: Okay. Was it equipped with a shotgun?

CHEW: I don't recall. I got to work late that day. I don't know if Officer Morse had it in the trunk of not.

SGT. CAMPBELL: But to your knowledge you don't recall putting one in.

CHEW: I don't recall.

SGT. CAMPBELL: Okay. How about ERIW?

CHEW: I don't recall.

SGT. CAMPBELL: Okay. And are you patrol rifle trained?

CHEW: No.

SGT. CAMPBELL: Do you know if there was one in the vehicle? Do you know if you partner—

CHEW: I don't believe so.

SGT. CAMPBELL: Okay. This next section is usually where I have the officer take me through the whole incident like you did in Homicide and

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explain step by step from the point the call comes out to the point where you get taken back to the station. However, since you've given that statement already to Homicide I'm going to give you the option if you feel that it will help you because I'm going to ask you some more pinpointed questions, if you feel that going through that will help you answer those questions better you can go ahead and take me step by step through of if you think that you're familiar enough with your incident that you can answer the questions okay.

CHEW: I think I'll be fine.

SGT. CAMPBELL: Okay. What kind of call did you respond to that night?

CHEW: A person with a gun.

SGT. CAMPBELL: Okay. And where was the call, where was the person supposedly?

CHEW: In Bernal Heights up on the hill, Bernal Heights [unintelligible]

SGT. CAMPBELL: Okay. And do you recall anything that Dispatch said regarding the call aside from a person with a gun? Was there anything that stood out specifically to you when you got that call?

CHEW: I believe Dispatch said he might

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have been acting a little strange or I guess the caller told Dispatch he was acting a little strange or aggressive towards people out there.

SGT. CAMPBELL: Clothing, did they give a description?

CHEW: Yeah, they said a red jacket.

SGT. CAMPBELL: Okay, just trying to get your frame of mind as you're approaching that situation. Did that mean anything to you, red jacket?

CHEW: No.

SGT. CAMPBELL: Okay. Now when you are I assume based on your statement you weren't directly at the park as soon as the call came out, correct, you were somewhere else?

CHEW: Correct.

SGT. CAMPBELL: When you responded to the scene do you recall if you responded Code 3 or was it patrol speed or somewhere in between?

CHEW: Somewhere in between.

SGT. CAMPBELL: Do you recall did you have lights on or siren to your recollection?

CHEW: I don't recall because we got on the freeway so we didn't really need it.

SGT. CAMPBELL: Okay. So the call came out

as a 221 call, a person with a gun. In your mind what was your thought process of how you were going to respond once you got on-scene?

CHEW: To make sure that the scene was safe.

SGT. CAMPBELL: Okay. Prior to getting to the scene was there any description however specific about the mental status of the subject?

CHEW: No.

SGT. CAMPBELL: Okay. Are you CIT trained? Do you have crisis interview training?

CHEW: No.

SGT. CAMPBELL: If you had this kind of information that the suspect had mental health issues would your response or contact once you saw the suspect in this situation specifically this situation would you have responded differently?

CHEW: No.

SGT. CAMPBELL: And why not?

CHEW: Because at the time he was it looked like he was pointing a gun in the direction of me and my fellow officers and whether or not he's got a mental health condition or not I'm going to defend myself and my coworkers.

SGT. CAMPBELL: Okay. So we're going to—so

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when you saw—describe to me about your approach from I understand you got to the gate and your partner was the driver and you got through the gate. Describe what happened from that point to the point where you actually saw the suspect?

CHEW: We saw I think there were about six officer that had run around the gate not knowing how to drive around it and Officer Morse had driven around the gate and we were just passing the six officers and I think there was a tree or something blocking our line of sight where the suspect—

SGT. CAMPBELL: You're holding your hand up to the right.

CHEW: Yeah.

SGT. CAMPBELL: So the trees were kind of off to the right. Were you coming around a curve?

CHEW: I think it curves maybe around towards the right.

SGT. CAMPBELL: Okay.

CHEW: And I think the trees were kind of blocking our line of sight and when the trees blocked our line of sight I heard maybe six shots go off.

SGT. CAMPBELL: Okay, what did you think at that point?

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CHEW: He's firing at my coworkers or my coworkers had some reason to fire at him.

SGT. CAMPBELL: Okay. So when Officer Morse pulls the car up what did you—when did you first see the subject?

CHEW: As Officer Morse was pulling up, he hadn't stopped yet, I could see the suspects.

SGT. CAMPBELL: Okay was he standing or on the ground or?

CHEW: He was on the ground in a prone position.

SGT. CAMPBELL: Okay. In your Homicide statement you indicate that you believed you saw him in the standing position?

CHEW: Oh, as we were driving down Bernal Heights Boulevard?

SGT. CAMPBELL: Yeah. So as you're on the path?

CHEW: No, we hadn't hit that access road yet. We were still coming down Bernal Heights Boulevard and I think it's kind of like a dip and right at the dip that's where the access road is.

SGT. CAMPBELL: Okay.

CHEW: And we were coming down I could see the suspect in the red jacket standing up in front

of a patrol vehicle.

SGT. CAMPBELL: Okay.

CHEW: I didn't know [unintelligible] it was a little far away but I could see if from there.

SGT. CAMPBELL: Okay, okay good. Thank you for clarifying. Okay so did you ever see him—could you tell what his body motions were from that vantage point?

CHEW: No.

SGT. CAMPBELL: So when Officer Morse pulls up and stops the car what's the suspect doing?

CHEW: He's in a prone position with both arms pretty much fully extended holding what looked like a gun to me with a laser pointer on it and I could see the laser pointer kind of brighten up so [unintelligible] scanning in my direction or Officer Morse's direction too.

SGT. CAMPBELL: Okay. Now when you say prone in your mind what do you take that to be if somebody is in the prone position is that like some sort of—

CHEW: A tactical position to steady your arms a little bit better to get a better aim on

your target.

SGT. CAMPBELL: Now when you saw the suspect for the first time did you recognize him?

CHEW: I did not.

SGT. CAMPBELL: Have you ever seen him before?

CHEW: No.

SGT. CAMPBELL: Okay. Have you responded to calls of a person with a gun it the past?

CHEW: Yes.

SGT. CAMPBELL: And has every incident resulted in someone having an actual gun?

CHEW: No.

SGT. CAMPBELL: Knowing—having this in mind that not all calls result in somebody having a gun would this have altered the way you responded to the call?

CHEW: No.

SGT. CAMPBELL: And why not?

CHEW: I'm going to treat it as if everyone has a gun just for my safety and my partner's safety.

SGT. CAMPBELL: Okay. Now when Officer Morse stopped the car and he got out did you get out?

CHEW: I did get out.

SGT. CAMPBELL: What did you do once he stopped the car?

CHEW: I got out of the vehicle, noticed that—first thing I saw was that red laser pointer and I got—I was afraid so I moved to the right, shifted to the right quickly then shifted back to the left just to make sure he wasn't firing in my direction, evading, yeah.

SGT. CAMPBELL: Did you have cover or concealment?

CHEW: Just from the car door. No concealment—some concealment from the car door.

SGT. CAMPBELL: So you didn't have the vantage of or the advantage of the A frame pillar so you were just kind of behind the car door to kind of get out of the way?

CHEW: Yes.

SGT. CAMPBELL: When you got out of the car and the laser was pointed at you—when you got out of the car did you immediately draw your firearm?

CHEW: I believe I had it drawn out right as we were pulling up.

SGT. CAMPBELL: Why?

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CHEW: I heard the shots got off prior to us getting ready next to the vehicle and I didn't know who was firing at who so I pulled out my weapon.

SGT. CAMPBELL: When you stepped out of the vehicle with your firearm did you hear anybody talking or giving commands, whether it be the suspect saying anything of the other officers saying anything?

CHEW: No.

SGT. CAMPBELL: And then did you stay on the passenger side of your vehicle throughout the fire exchange?

CHEW: I did, yeah.

SGT. CAMPBELL: Okay. So when you got there he was already in the prone position. You didn't see how he got into the prone position?

CHEW: No.

SGT. CAMPBELL: Okay. And then you indicated that you saw the red laser sight?

CHEW: Uh-huh.

SGT. CAMPBELL: What significance does this have to you? What does a red laser mean to you?

CHEW: Those are usually place on the

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firearm and used for aiming purposes.

SGT. CAMPBELL: Okay. Are you familiar with Tasers at all?

CHEW: No.

SGT. CAMPBELL: Are you aware that Tasers also have red lasers?

CHEW: Yes.

SGT. CAMPBELL: Okay. At this time though what did you see in that suspect's hand?

CHEW: The shape of a handgun.

SGT. CAMPBELL: Was there any reason for you to believe that it was anything but a gun?

CHEW: No, just the moment is so quick that I'm just going to automatically believe it's a gun due to the nature of the [unintelligible] at the same time.

SGT. CAMPBELL: Okay. Aside from wearing your uniform were you to ID yourself as a police officer?

CHEW: No.

SGT. CAMPBELL: And why not?

CHEW: Just seeing the laser pointer aimed in our direction I just felt like I didn't have time to identify myself.

SGT. CAMPBELL: When you got out of the

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car was your car door open the whole time?

CHEW: I believe so, yeah.

SGT. CAMPBELL: Is there any reason to believe that the suspect wouldn't know that you're a police officer?

CHEW: No.

SGT. CAMPBELL: And can you explain why, why do you think that?

CHEW: I was in my full police uniform. Officer Morse was in his full police uniform. We were driving a marked patrol vehicle, lights and sirens on the top. Sergeant Sawyer's vehicle was right there, marked vehicle as well. He was in his full police uniform and then I didn't see Officer Schiff at the initial moment when we first pulled up but later on I saw he was in full police uniform as well.

SGT. CAMPBELL: Okay. After you guys came to the gate and you passed the officers did you see any other civilians in the area?

CHEW: Not that I recall.

SGT. CAMPBELL: Okay. When you were in the—when you were firing at the suspect and everybody was firing at the suspect and you believed he was firing back did you see any other

civilians standing around, any witnesses?

CHEW: No.

SGT. CAMPBELL: So you said you drew your firearm just about as you were getting there because you already heard the gunfire, correct?

CHEW: Correct.

SGT. CAMPBELL: Okay. Was a warning given by you before firing your weapon?

CHEW: No.

SGT. CAMPBELL: And why not?

CHEW: I just didn't feel like I had time to give out a warning.

SGT. CAMPBELL: Was it feasible?

CHEW: I don't believe so, no.

SGT. CAMPBELL: And what was your intent in firing your weapon?

CHEW: To protect myself and my coworkers and citizens in the area.

SGT. CAMPBELL: Did you think this guy was dangerous?

CHEW: Yes.

SGT. CAMPBELL: Do you know how many rounds you fired?

CHEW: No.

SGT. CAMPBELL: Did you make any magazine

changes or anything like that?

CHEW: I didn't.

SGT. CAMPBELL: Okay. Do you recall your stance and your grip?

CHEW: I had a two-handed grip and I believe it was somewhat bladed.

SGT. CAMPBELL: Okay. And behind your, past your car door, the front passenger car door or were you?

CHEW: I may have moved to the side because at the side—I think I remember also just making sure that he wasn't with anyone else on the side of the hill so I may have moved over to the grass side to look down just in case he was with someone else.

SGT. CAMPBELL: Okay. What was your target?

CHEW: As far as the suspects?

SGT. CAMPBELL: Uh-huh.

CHEW: In his prone position basically just his head and his shoulders were in my line of sight, maybe a little bit of his ribs on the side of him, on his left side.

SGT. CAMPBELL: And did you acquire sights?

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CHEW: To the best of my ability.

SGT. CAMPBELL: So it wasn't just a point and shoot, it was more concentrated you would say?

CHEW: Yes.

SGT. CAMPBELL: Okay. And do you recall what your background was?

CHEW: I believe there was a little bit of the Bernal Heights Hill just right behind him and then the rest of the road, the trail that leads up.

SGT. CAMPBELL: Okay. When you were firing your weapon did the suspect respond any differently than when you guys first got there? Did you notice any changes right away?

CHEW: No, no his head was still up. His arms were still fully extended as if he's still trying to aim his Taser—but it looked like he was aiming his gun at us.

SGT. CAMPBELL: At any point did you exchange any words with the suspect?

CHEW: I believe when we were walking up to him when I would try to handcuff I told him not to move or something along those lines.

SGT. CAMPBELL: Okay. Stepping back a step, when did you stop firing?

CHEW: I noticed his head had dropped to

the ground and one of his arms, maybe both of his arms or one of his arms kind of pulled in close to his body and the tip of his what I thought was a gun was no longer pointed our direction.

SGT. CAMPBELL: You can just call it a gun.

CHEW: Okay.

SGT. CAMPBELL: Because as far as you know it was—yeah.

CHEW: The gun was no longer pointed in our direction and that's when I stopped firing.

SGT. CAMPBELL: Did you—did you hear Sergeant Sawyer call out cease fire or stop firing?

CHEW: I did.

SGT. CAMPBELL: Did that have any bearing on why you stopped firing?

CHEW: I believe I stopped when I saw his head go down to the ground but at the same time I wasn't going to fire again after Sergeant Sawyer said cease fire.

SGT. CAMPBELL: At what point did you realize that the gun was actually a Taser?

CHEW: As we approached the suspect and I pulled out my handcuffs to handcuff him Officer Morse kicked it out of his hands and I got a brief

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look at it and saw it was a Taser.

SGT. CAMPBELL: Can you describe it to me.

CHEW: It was black or parts of it were black and it looked like the prongs had been ejected already an the laser point was on or the red dot was I believe still emitted.

SGT. CAMPBELL: What was the shape of it?

CHEW: Like a firearm, like a gun, like a handgun?

SGT. CAMPBELL: And what color?

CHEW: Again I think parts of it were black. I don't know if there were any other colors.

SGT. CAMPBELL: Okay. And you said you weren't sure if you had ERIW in the vehicle?

CHEW: No, I wasn't sure.

SGT. CAMPBELL: If you had the ERIW in the vehicle would it have been a reasonable option to use it in this situation?

CHEW: No.

SGT. CAMPBELL: Why not?

CHEW: The initial call was a person with a gun and an ERIW is not something I would use against someone with a gun.

SGT. CAMPBELL: Are you trained to use ERIW against somebody with a gun?

CHEW: No.

SGT. CAMPBELL: Okay. Do you recall experiencing any sensory distortion such as tunnel vision, intrusive thoughts, memory loss, dissociation, auditory exclusion? Did anything sound—like did it sound extra loud or muffled or?

CHEW: No.

SGT. CAMPBELL: Just did it—just sounded like—what did it sound like?

CHEW: Like the gunfire?

SGT. CAMPBELL: Yeah.

CHEW: It's almost just kind of like being at the range so it's almost like not that I'm used to hearing a lot of gunfire but it was just kind of like being at the range and hearing it go off.

SGT. CAMPBELL: Okay. No tunnel vision or anything like that?

CHEW: No.

SGT. CAMPBELL: No thoughts flooding in about oh my God I might not make it home tonight or?

CHEW: Oh, there initially was when I initially stepped out of the vehicle and say that he was pointed—pointing the gun in our direction I thought whoever Sergeant Sawyer was with had been

shot because I didn't see him when I got out of the car so I was afraid for him and then I was afraid for myself and Officer Morse.

SGT. CAMPBELL: Right, okay. Aside from Sergeant Sawyer did any other Supervisor respond to the scene that you recall?

CHEW: I thinking Sergeant Riskin may have showed up later on.

SGT. CAMPBELL: Did you provide a public safety statement to either Sergeant Sawyer or Riskin?

CHEW: No.

SGT. CAMPBELL: And do you recall how long you were on the scene from the time that you felt that the scene was rendered safe I guess once the gun was kicked out of his hand? How long were you on the scene from about that point until when you were taken to the station, do you recall?

CHEW: Maybe three to five minutes. I think it was Officer [unintelligible] who drived me and said we're going back to the station.

SGT. CAMPBELL: When you handcuffed the subject was he saying anything or making any sounds or [unintelligible] or?

CHEW: He was breathing really heavily.

SGT. CAMPBELL: He didn't say anything though?

CHEW: No.

SGT. CAMPBELL: Okay. Once you were taken back to the station were you separated from the other officers involved?

CHEW: Yes.

SGT. CAMPBELL: And monitored?

CHEW: Yes.

SGT. CAMPBELL: Do you recall who monitored you?

CHEW: Officer Sededvak and then Officer Rob Peterson came to the station later on.

SGT. CAMPBELL: Okay. Did you suffer any physical injuries as a result of this incident?

CHEW: No.

SGT. CAMPBELL: Has the incident impacted you in other ways, loss of sleep, appetite, mood, nightmares?

CHEW: No just going to calls now I'm a little bit more I guess on edge but I think it's a good thing that I'm a little more alert.

SGT. CAMPBELL: A little more cautious.

CHEW: Yeah.

SGT. CAMPBELL: Okay. Thinking back on the

situation how you guys responded do you feel that other force options—were other force options considered?

CHEW: No.

SGT. CAMPBELL: Why not?

CHEW: There's nothing else higher than what we have, that my firearm, than our firearm to challenge his what we thought was a gun.

SGT. CAMPBELL: I have nothing else, John?

SGT. CRUDO: A couple of quick questions. You had mentioned that you believed that while in route you saw the suspect in front of a black and white vehicle?

CHEW: Yes.

SGT. CRUDO: You mentioned that you saw the subject wearing a red [unintelligible] is what you said, is that correct?

CHEW: Yeah.

SGT. CRUDO: Did you notice anything else about him? Did you see anything else, observe?

CHEW: No, he was—when we were driving down and I saw him standing?

SGT. CRUDO: Yeah.

CHEW: No, he was just—it looked like he was just standing there in front of the patrol

vehicle. I think it was maybe a couple seconds that I got to see him.

SGT. CRUDO: And approximately how much time elapsed between that moment and when you got to the gate?

CHEW: Maybe thirty seconds. Oh, to the gate?

SGT. CRUDO: To the gate, yeah.

CHEW: Maybe about ten seconds.

SGT. CRUDO: Ten seconds.

CHEW: Yeah.

SGT. CRUDO: And then you had mentioned that you passed some officers and it's on the way there that you hear the six or so shots, is that correct?

CHEW: Yes.

SGT. CRUDO: Okay.

SGT. CAMPBELL: And at that point had you lost sight of him?

CHEW: Yes.

SGT. CRUDO: You were asked and answered a question about Tasers and you said that you are—you are aware that Tasers are sometimes equipped with a red laser.

CHEW: Yes.

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SGT. CRUDO: Did you know that at the time of this incident?

CHEW: No. I'm sorry, I did know that they are equipped red laser sights.

SGT. CRUDO: Okay, so you were familiar with that information at the time of the incident?

CHEW: Yes.

SGT. CRUDO: You said that you saw the suspect's head drop to the ground and his weapon droop or go down.

CHEW: Uh-huh.

SGT. CRUDO: And that's when you made a determination and assessment to stop firing.

CHEW: Yes.

SGT. CRUDO: You also said that you heard Sergeant Sawyer's command order to cease fire.

CHEW: Yes.

SGT. CRUDO: Okay. Was that about the same time?

CHEW: Yeah, it was about the same time.

SGT. CRUDO: Okay. Throughout your course of getting out of the vehicle you described getting out of the vehicle, moving to your right because you recognized the laser is in your direction?

CHEW: Correct.

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SGT. CRUDO: Is that correct?

CHEW: Yes.

SGT. CRUDO: And to you what does that imply, that laser coming at you?

CHEW: He's going to try to shoot me.

SGT. CRUDO: So is that—that's a targeting system I think you described?

CHEW: Yes.

SGT. CRUDO: Okay, so you're a target, you move, right, believing that you're going to be shot, you also mentioned you looked down the hill for an associate.

CHEW: Yes.

SGT. CRUDO: Is that at the same time?

CHEW: I don't recall I just remember looking down the hill.

SGT. CRUDO: Having that thought at some point.

CHEW: Yes.

SGT. CRUDO: That there could be an associate. You go back to the car, you're standing up, you now fire at this suspect. Between the time that you saw the head drop and you fired your weapon and you stated that you don't recall changing magazines, you stated that you don't

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recall how many shots were fired but was it a continual—were you continually shooting or were you continually engaged in a single sort of discharge of your weapon, series of discharges or did you stop and assess at any point?

CHEW: It was a continuing engagement because his arms were still extended and it looked like none of us were having an effect on him.

SGT. CRUDO: So as you were firing are you assessing them, you're seeing that his arms are outstretched and you're continuing to assess.

CHEW: Yes.

SGT. CRUDO: And you're firing because the arms are continuing to be outstretched.

CHEW: Yes.

SGT. CRUDO: You said that when you stopped firing his head dropped. Was his head up prior to that?

CHEW: Yes.

SGT. CRUDO: Okay. So his gun was up, his arms were outstretched, his head is up while you're firing, once they stop then you stop, you're continually assessing, is that correct?

CHEW: Correct.

SGT. CRUDO: Okay. You—just real briefly,

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I want to get back to your initial impression upon arrival at the scene, as you're getting out of the car you didn't Sergeant Sawyer's partner. You didn't know at the time that was Officer Schiff you said.

CHEW: No.

SGT. CRUDO: But you said that you thought that he had been shot.

CHEW: Yes.

SGT. CRUDO: So I want you to reflect on that for a minute and tell me what was going through your mind at that moment.

CHEW: Just hearing gunshots for me I automatically thought the worst that whoever Sergeant Sawyer was with had been shot and that's why Sergeant Sawyer was engaging him as well.

SGT. CRUDO: Okay so you believed that the officers had already taken fire and in fact an officer had been severely, critically injured?

CHEW: Possibly, yes.

SGT. CRUDO: As a result of the actions of the suspect.

CHEW: Yes.

SGT. CRUDO: And did the other observations, some of which we've talked about and

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you've described were they consistent with that impression that you had?

CHEW: Yes.

SGT. CRUDO: You talked about making your approach to the suspect, you talked about him breathing heavily when he was handcuffed. Did anyone render aid?

CHEW: Not that I know of. I believe Officer Schiff may have been checking for a pulse. I was pulled aw3ay after I handcuffed him because I didn't have gloves on and everyone else kind of got around him and I kind of stepped back just to give him space.

SGT. CRUDO: Okay and from what you observed what is your impression as you stepped away the officers that were stepping in what were they doing?

CHEW: Assessing him, making sure he had nothing else on him, making sure the scene was safe.

SGT. CRUDO: Did you hear anybody call for an ambulance?

CHEW: I did hear someone, I think it was Sergeant Sawyer called for an ambulance.

SGT. CRUDO: And do you recall when that

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occurred?

CHEW: While I was handcuffing him.

SGT. CRUDO: In the course of handcuffing him.

CHEW: Yes.

SGT. CRUDO: So before the suspect is actually fully secured you're requesting a 408?

CHEW: I believe so, yes.

SGT. CRUDO: A 408 for the record is an ambulance.

CHEW: Yes.

SGT. CRUDO: Okay. And I saw you, I meant you collectively, not you personally, just for the record. Okay. And that's it.

SGT. CAMPBELL: Any questions?

STERN: No thank you.

SGT. CAMPBELL: Officer Chew is there anything else regarding this incident and investigation that we have not covered that needs to be added/

CHEW: No.

SGT. CAMPBELL: Is there anything stated during this interview that needs to be changed or clarified?

CHEW: No.

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SGT. CAMPBELL: After you leave this interview should you recall anything that differs from or is in addition to the information you provided today you are ordered to provide that information to me as soon as practical, do you understand?

CHEW: Yes.

SGT. CAMPBELL: You may discuss this matter with your representative as you choose otherwise I'm ordering you not to discuss any portion of this investigation with any other Department employee, barring he gets replaced by somebody else, okay.

CHEW: Okay.

SGT. CAMPBELL: This interview is going to be now concluded. The time is 1855 hours.

END OF DOCUMENT

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SGT. CAMPBELL: This interview regarding Officer Involved Shooting Case 14-004 is taking place at the Officer of Internal Affairs Division on May 16th, 2014, at approximately 1410 hours. Conducting this interview is myself, Sergeant Jayme Campbell, Star 759, Internal Affairs Division. Assisting me in this interview from the Internal Affairs Division is–

SGT. CRUDO: Sergeant John Crudo, c-r-u-d-o, Star number 1694.

SGT. CAMPBELL: The member being interviewed is–please state your name and spell it.

SCHIFF: Officer Richard Schiff, S-c-h-i-f-f, Star number 1968.

SGT. CAMPBELL: Officer Schiff is a named officer in this matter and representing Officer Schiff is–

STERN: Harry Stern, s-t-e-r-n.

SGT. CAMPBELL: Have you read Department General Order 2.01 Rule 21?

SCHIFF: I have.

SGT. CAMPBELL: And have you read Government Code 3303E?

SCHIFF: I have.

SGT. CAMPBELL: Officer Schiff do you

understand this interview is being recorded?

SCHIFF: Yes I do.

SGT. CAMPBELL: Because there could be criminal culpability on your part I am advising you that you have the right to remain silent, anything you say may be used again you in a court of law. You have the right to the presence of an attorney before and during any questioning. If you cannot afford an attorney one will be appointed for you free of charge before any questioning if you want. Do you understand each of these rights as I have explained them to you?

SCHIFF: Yes.

SGT. CAMPBELL: Are you prepared to be interviewed at this time?

SCHIFF: No.

SGT. CAMPBELL: Although you have the right to remain silent and not incriminate yourself your silence may be deemed insubordination and result in administrative discipline up to and including removal from off as a police officer. In Garrity v. New Jersey and reaffirmed in Gardner v. Broderick the United States Supreme Court held that a public employee has the right to be free from compulsory self-incrimination. When an employee is

compelled to provide a statement under the threat of removal from office the statement cannot be used against the employee is a subsequent criminal prosecution. In Lybarger v. City of Los Angeles the California Supreme Court held that although you have the right to remain silent and not incriminate yourself your silence may be deemed insubordination and as such result in the imposition of administrative discipline up to and including termination. Any statement by you under the compulsion of such a threat cannot be used against you in a later criminal proceeding related to this incident. If you do answer my questions your statements and any information gathered by reason of such will be held confidential in accordance with California Penal Code 832.7. Your statement and the information gathered shall not be divulged except as required by law. Do you understand these decisions?

SCHIFF: Yes.

SGT. CAMPBELL: Have you read or been advised of the Police Officer Bill of Rights?

SCHIFF: Yes.

SGT. CAMPBELL: Do you understand your rights?

SCHIFF: Yes I do.

SGT. CAMPBELL: And do you understand that I'm conducting an administrative investigation?

SCHIFF: I do.

SGT. CAMPBELL: Officer Schiff my name is Sergeant Jayme Campbell, I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation, I am therefore ordering you to answer my questions, do you understand this statement?

SCHIFF: Yes.

SGT. CAMPBELL: Officer Schiff are you prepared to be interviewed at this time?

SCHIFF: Yes.

SGT. CAMPBELL: These first couple questions are just kind of mundane, just background just to kind of get you on record who you are and where you're coming from, okay.

SCHIFF: Yes, ma'am.

SGT. CAMPBELL: How long have you been a member of the San Francisco Police Department?

SCHIFF: I think coming on four months now not including Academy time.

SGT. CAMPBELL: And what year did you

join?

SCHIFF: 2013, May 28th.

SGT. CAMPBELL: And obviously we're here to investigate the incident that occurred on March 22nd. Where were you assigned that night?

SCHIFF: I was assigned to Ingleside Station.

SGT. CAMPBELL: Excuse me it was March 21st. Sorry. Ingleside Station?

SCHIFF: Assigned to the Ingleside Station, my watch was 11 to 9.

SGT. CAMPBELL: Okay. And where are you assigned now?

SCHIFF: I'm assigned to Central Station, same watch 11-9.

SGT. CAMPBELL: Okay so as you're aware this interview is in regards to an incident that occurred in Bernal Heights Park at approximately 1911 hours on Friday, March 21st, 2014. Have you had an opportunity to review your voluntary interview with the Homicide Detail that was conducted?

SCHIFF: I have.

SGT. CAMPBELL: Did you get to listen to the transcripts as well?

SCHIFF: I have.

SGT. CAMPBELL: Do you have a recollection of the incident to which I refer?

SCHIFF: I do.

SGT. CAMPBELL: Okay, when I ask you these questions regarding the incident I'm going to ask you from your point of view of that night. A lot of stuff I'm sure you've become aware of since then but come at my questions with that night where you were at that night, okay.

SCHIFF: What I knew at that time, yes.

SGT. CAMPBELL: Okay. That night do you recall the weather and lighting at the time of the incident?

SCHIFF: I do.

SGT. CAMPBELL: And can you describe it to me?

SCHIFF: Clear settings, good lighting, it was getting late in the day but it had no bearing on the lighting or anything like that. Standard dry, clear day.

SGT. CAMPBELL: And I know you described in your interview the lighting and whatnot on approximately in your interview pager 13, 14, no obstructions, you could see straight ahead. Do you recall if the sun was at any way in your eyes? Do

you remember if you ever thought I can't see very well, the sun's in my eyes?

SCHIFF: No, I don't believe I recall where the sun was in relation to us.

SGT. CAMPBELL: Okay, great. Okay and you already told me that you were working 11 to 9 that night.

SCHIFF: I was.

SGT. CAMPBELL: And your call sign do you recall what it was that night?

SCHIFF: I do not.

SGT. CAMPBELL: Were you working a special assignment?

SCHIFF: No, standard detail.

SGT. CAMPBELL: Okay I guess my question is you were an FTO at the time?

SCHIFF: I was on FTO. I was on standard patrol. My assigned officer was Officer Fulgato however I was doing a Sergeant's ride along with Sergeant Sawyer.

SGT. CAMPBELL: Okay. And had you ridden with him before?

SCHIFF: I have.

SGT. CAMPBELL: And in your previous interview with Homicide you described your uniform

as Class B. Is it similar to what you're wearing this evening, short sleeves?

SCHIFF: It is.

SGT. CAMPBELL: And was your Star on the outermost clothing?

SCHIFF: It was.

SGT. CAMPBELL: Okay. Were you wearing a jacket or anything that night?

SCHIFF: I was not.

SGT. CAMPBELL: And how were you equipped that night as far as duty belt, communication?

SCHIFF: I had my duty belt. I had my Department issued firearm, my Department issued baton, my Department issued handcuffs, my Department issued mace and I also had my radio.

SGT. CAMPBELL: Any—do you carry a backup firearm?

SCHIFF: I do not.

SGT. CAMPBELL: And your Department issued firearm, do you know what kind that is?

SCHIFF: Yes. It's a Sigsaur P226 40 cal.

SGT. CAMPBELL: And was it fully loaded?

SCHIFF: It was.

SGT. CAMPBELL: Including—

SCHIFF: Including one in the chamber,

thirteen total rounds.

SGT. CAMPBELL: Okay. Thirteen total, for the magazine and the one in the chamber.

SCHIFF: One was in the firearm not including the separate mags that were on my belt.

SGT. CAMPBELL: All right. And your vehicle that evening?

SCHIFF: It was a standard radio car.

SGT. CAMPBELL: Working lights and sirens?

SCHIFF: It did.

SGT. CAMPBELL: Was it one of the specialized units that has the license plate readers or anything like that?

SCHIFF: I wouldn't recall honestly.

SGT. CAMPBELL: And was there a shotgun?

SCHIFF: I believe there was, I can't remember for sure.

SGT. CAMPBELL: And do you recall if you had an ERIW in the vehicle?

SCHIFF: Yeah I believe there was, generally whenever I'm in a vehicle I always have that with me. I can't recall specifically though.

SGT. CAMPBELL: Okay. So the vehicle that you were in was that the vehicle you were in when you started with Officer Fugato or did you Sergeant

Sawyer?

SCHIFF: I believe we switched vehicles.

SGT. CAMPBELL: To Sergeant Sawyer's?

SCHIFF: To Sergeant Sawyer's vehicle.

SGT. CAMPBELL: So is it safe to you say you're not sure if he had one in the car?

SCHIFF: Exactly.

SGT. CAMPBELL: Do you recall—

SCHIFF: But I may have—generally with Sawyer what would happen is I would switch whatever equipment I had from the other car over to that vehicle. So having working with him several times and blurring together, I can't remember that specific night if he already had the equipment there or if I had switched it over.

SGT. CAMPBELL: Okay, fair enough. So I know you've already given kind of a summary as to what happened to Homicide. If you can to the best of your recollection go over it again. If there's anything that you recall that came to mind maybe that same night but you didn't get to say it in the Homicide interview if any of that pops up feel free to add that in.

SCHIFF: Okay.

SGT. CAMPBELL: No detail is too small. So

I'll have you go ahead and say that and then we'll ask some more questions afterwards, okay? Go ahead.

SCHIFF: Okay. So approaching 1900 hours on the day of the incident I just effected a 585 traffic stop with Sergeant Sawyer, we just finished the traffic stop. At that point we were sitting in the vehicle, as he was my FTO Sergeant he was giving me constructive criticism on the traffic stop when a call for someone on the northern side of Bernal Heights with a 221 came out, 221 arrest means someone with gun.

The initial—I initially came up for the call. Subsequently the description that came out was a male wearing a red sweatshirt with a plastic holster on the right side of his hip with a gun inside of it and that he was sitting on a bench eating chips. At that point I drove up Cortland and took a left going up to Anderson. As I was trying to come up on the south side of Bernal Heights, the reason for that being is that they said he was around a metal gate which I took to mean that he was at the front entrance where—Bernal Heights is a pathway that has an ascending grade up to the top of the mountain or the hill and at the bottom is an entrance which is a metal gate. I assumed later on

that he may have been up higher or something like that. So I assumed he was at the bottom. I decided that approaching from the north side of the mountain would be tactically poor because he would have an uphill advantage on us depending since I don't know, you know, whether or not there's merit to a gun call or what's going on.

So I try to come up the south side and go through the south side and come down behind around the suspect to see and check out what was going on. Got to the south side, couldn't get in, it was actually blocked off with gates. I ended up having to travel east around the side of Bernal Heights until I got to the northern side. Upon arriving at the northern side I didn't see the suspect around the metal gates that I had assumed he would be at. I radioed the Dispatch, I asked them if he was inside the park or if he was supposed to be outside the park specifically. They told me they didn't know, that they would message back the caller. At that point I made the decision to go through a pathway to the side of the gate, in order to get up on to the pathway of Bernal Heights I began driving up the pathway. It's—at that point there was gentleman in a brown jacket that came walking down

the hill, we went to the left of him, he was walking a normal pace, didn't fit the description of the suspect, so we continued on. As we came up the mountain around a corner emerged someone fitting the description of the suspect who came walking in a much faster pace directly at our vehicle. At that time considering the lighting and everything it was easy to see that we were a marked police vehicle and he continued to walk straight at us with a—best description would be with a purpose. He was marching right at us. That to me already is a red flag. Someone who had a radio car coming directly towards them doesn't generally walk, pick up speed, and walk towards them. They generally tend to be taken aback and stand and try you know assess what's going on.

I began to slow down. My Sergeant said that's the guy, that guy fits the description and we were about fifty yards away at this point. I began to slow down and he said no this is too far, let's get a little closer so we got about 25 to 35 yards. I put the car in park, we popped out and you [unintelligible] we drew our 221s because generally when I go to a call with—that has a 221 involved I want to make sure that I'm ready to protect myself

especially since there's a reaction gap there that I don't know if he has it hidden on him. I don't know where the gun is, if it's still in the holster. Drew the gun and at that point he had continued to walk a little bit more towards us but he kind of stopped. I and Sergeant Sawyer yelled to him to show us your hands, show us your hands, gave him commands. He made eye contact with me and looked me in the eyes and said show me your hands. At that point he raised his sweatshirt up slightly and exposed on his right hip what appeared to be the 221 in a holster. He then turned down with his right hand and drew the weapon and as he began to draw it up that's when I engaged the suspect.

During the firefight I could hear Sergeant Sawyer communicating with Dispatch on the air through my earpiece what was going on and at once point I had fired—I had run dry, I know that for sure. I went to go switch magazines, I yelled red. I heard Sergeant Sawyer yell covering, which is standard communication for us. At that point I reloaded, I came back up. When I came back up the suspect was still standing. I could see a red light—I'm sorry, I guess I didn't mention that before. When he drew there was a red light that's

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emitted from the weapon. I could still see the red light. He was still standing still facing us and still had the gun pointed at us. At that point after reloading I continued to engage him again. He stayed standing and then at one point he—it's not clear whether or not he fell to the ground, jumped to the ground. He appeared to be laying in a prone position, prone position would be on their stomach with their legs folded behind them. It's a tactical maneuver in order especially since he at that point wouldn't have had any cover, to make yourself a smaller target so that you can reengage and I recognized that as someone that may have military training.

He could still see—I could still see the red light in his firearm. I continued to fire until I heard my Sergeant yell cease fire, cease fire. At that point I ceased fire. I didn't realize this before as I found out later another patrol vehicle with Officer Chew and Officer Morse has come up behind us. I didn't note it in the firefight but once the ceasefire had happened I saw Officer Morse come up on the left side of me. As I was on the left side of the vehicle and then I saw Officer Chew come up on the right side of Sawyer.

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At that point we tactically moved forward. I switched out my magazines to make sure that I had full rounds in my magazine as I wasn't sure if the threat had been—the threat had been stopped. I got up to the suspect who was laying on the ground. Office Morse then used his foot to kick the weapon out of his hand. At that point I and another officer who I don't remember at this time specifically handcuffed him. The other officer that began helping out was Officer Chew I saw that he didn't have gloves on, he was getting blood on his hands. I asked him to step back while I put on gloves. I put on rubber gloves, then I searched the suspect. I found a couple cans of mace and I believe some handcuffs. At that point I rolled him back over once I was sure that he was secured and had no more weapons on him. I checked his pulse in an attempt to render aid. I did not feel a pulse and at that point another officer who I can't who exactly it was grabbed me and asked me if I was involved in the shooting. I said yes and he told me that we had to be immediately separated and other officer took over.

It's also important to note that I did hear someone through my earpiece on the radio call for a

408 which is an ambulance while we were approaching.

At that point I was separated and I was taken to a different location.

SGT. CAMPBELL: Okay. So we're going to start back at the beginning a little bit. When you responded to the call, when you started driving to the call.

SCHIFF: Yes.

SGT. CAMPBELL: Were you going Code 3 lights and sirens? Were you going patrol speed or—

STERN: Just—you're doing a really good job. I want to remind you, let her finish her question because we're on tape and somebody is probably going to get a headache and sometimes she might be asking something slightly different.

SCHIFF: Sorry.

SGT. CAMPBELL: So Code 3 patrol speed or somewhere in between like you're late for a dentist appointment?

SCHIFF: I don't know, typical driving. We wouldn't want to go with lights and sirens on to alert someone especially with a weapon that we're coming.

SGT. CAMPBELL: Okay. And I apologize,

some of my questions might be jumping back and forth so just bear with me if you would.

SCHIFF: Absolutely.

SGT. CAMPBELL: You had mentioned that when you respond to someone with a gun your tactics are usually to draw your weapon because it's somebody with a gun. So that answers my question. When you pulled up and your observed him knowing that it was a person with a gun did you take cover or?

SCHIFF: Yes, I took cover, more like concealment but attempted cover using the engine block of the vehicle. I stayed in the doorjamb and attempted to make myself less of a target.

SGT. CAMPBELL: Okay. At what point—and you might have mentioned this already but I just want to be specific—at what point did you learn that the weapon the suspect was holding, pointing at you was a Taser?

SCHIFF: When we made the approach and observed Officer Morse kick the weapon out of his hand. I could see two wires coming from it and I assumed at that point that it may have been a Taser. Of course I still didn't know, I didn't go and ever observe the weapon .

SGT. CAMPBELL: Do you have a lot of experience with Tasers at all?

SCHIFF: I do not.

SGT. CAMPBELL: And you said you did see the wires once you approached?

SCHIFF: I did.

SGT. CAMPBELL: Do you have crisis intervention training?

SCHIFF: I do not.

SGT. CAMPBELL: Were you given any information from the time the call came out to the time that you had observed the suspect in front of you were you given any information regarding the mental status of the suspect prior to contacting him?

SCHIFF: No.

SGT. CAMPBELL: When you contacted him were you—this could be interpreted many ways but were you able to ascertain the suspect's mental status upon your initial contact?

SCHIFF: You know of course I couldn't go that in depth to it to say that I knew that but what I can say is that he clearly understood my command which is response and he clearly recognized that I was a threat having my weapon out and having

my vehicle and being a police officer and being clearly marked. So at that point I would determine that if somebody who was able to you know cognitively answer me and respond to my commands and then refuse to do so at that point all I could speculate is that he at least knew who we were and he was aware of the decision he was making.

SGT. CAMPBELL: When you presented with this situation did his mental status become a thought for you?

SCHIFF: No, not at that point.

SGT. CAMPBELL: And why not?

SCHIFF: Because I'm concerned with the threat and my safety and the safety of others.

SGT. CAMPBELL: Would your response to this person with a gun call have been any different had you learned that the suspect had any mental health issues?

SCHIFF: No.

SGT. CAMPBELL: And can you explain or elaborate.

SCHIFF: The reason why not is because even if I had known that he had some mental health issues at the point when someone like that drew a weapon and pointed it at me I'm in fear for my life

and the life of my officer and Sergeant who I'm riding with and anyone else who is in the immediate area and I need to stop that threat.

SGT. CAMPBELL: Have you responded to calls of a person with a gun in your few months experience?

SCHIFF: I have.

SGT. CAMPBELL: Just a call, like a call comes out.

SCHIFF: I can't remember specifically if I responded to a 221 at that point. I believe I may have. I know I've responded to a call you know someone with a knife or weapon but a 221 call you know I'm sure—I'm pretty sure I have but I can't remember specifically.

SGT. CAMPBELL: So we'll say 221 knife. Has every incident that comes out, every call that comes out with somebody with a weapon does every incident end up with somebody actually having a weapon?

SCHIFF: No, absolutely not.

SGT. CAMPBELL: Okay, knowing that not every situation results in someone actually having a weapons has this altered the way in which you respond to these calls?

SCHIFF: No it has not. Oh, you know what though, I do—I did just remember. I had responded to a firearm call on Cortland maybe a couple weeks prior. It was a call someone with a tactical vest and holsters but I don't remember if anyone said on that call that there was an actual weapon seen.

SGT. CAMPBELL: And did—when you got there was there truth to it?

SCHIFF: There was no merit to a 221.

SGT. CAMPBELL: And so knowing that sometimes these calls turn out with no weapon, no threat does it affect how you respond to any call with potential weapon?

SCHIFF: No, I always respond to the call the same, prepared for either one.

SGT. CAMPBELL: When you made contact with the suspect and you and Sergeant Sawyer told him to show his hands, what language did you speak?

SCHIFF: English.

SGT. CAMPBELL: And did the suspect respond to you?

SCHIFF: He did.

SGT. CAMPBELL: And how did he do that?

SCHIFF: Responded to me in English saying show me your hands.

SGT. CAMPBELL: Now if you could describe the suspect's movement, positioning and boy language specific threats.

SCHIFF: As I mentioned before as we were approaching he had an aggressive walk towards us. It was with a purpose. He was walking quite fast, not at the point where he was jogging or running but moving fast. At the point that we had stepped out of the vehicle and I drew my 221 and began to give him commands he took what we referred to as a fighting stance with one foot forward, one foot back, about shoulder-width apart which would demonstrate to me that he may have some fighting experience, military experience, or intent to fight at that moment.

SGT. CAMPBELL: What were you thinking, like what was your feeling then?

SCHIFF: My feeling then at the point that I saw him take this aggressive stance or at the point where I saw him draw the weapon?

SGT. CAMPBELL: Both.

SCHIFF: Okay. At the point where I saw him take the aggressive stance I recognized that he was still presenting a threat. I wasn't sure on his intentions which makes me fear for what he is going

to do next. Of course I want to be one step ahead of him and then at the point where I saw him draw the weapon I was in fear for my life at that point.

SGT. CAMPBELL: When you described the whole situation to me you indicated you saw a red laser light?

SCHIFF: I did.

SGT. CAMPBELL: What significance does this have to you?

SCHIFF: Well typically when you see a laser sight on a handgun or any sort of weapon that's kind of a tactical training people that tend to have those tactical shooters, part of tactical team, may have military experience. It's not your everyday run of the mill experience with a gun. So at that point I determined that he may have further more experience than I know.

SGT. CAMPBELL: And I don't want to put words in your mouth but a gun call comes out, you get there, this guys pulls out what you believe is a gun. You see a red laser light. Are you saying that oftentimes tactical weapons have red lasers?

SCHIFF: Yes and I'm assuming at that point is he's picking up sights, he's trying to pick me up with that weapon but he's attempting to

engage me.

SGT. CAMPBELL: When you were engaging him, firing your weapon, what if you can what kind of sounds do you recall hearing at the time?

SCHIFF: Gunshots. I couldn't say anything other than that, it was what I know and recognize to be gunshots.

SGT. CAMPBELL: Did you believe that you hears any bullets coming by your heard?

SCHIFF: I didn't believe I heard bullets coming directly at me but I did hear gunfire and of course with me firing, the Sergeant firing, others firing, there's no way to tell whether or not he wasn't firing as well. And so you know I couldn't tell you which, who was firing what, what was coming from where.

SGT. CAMPBELL: And while you were firing at him what was he doing?

SCHIFF: He continued to point the weapon at us throughout the entire engagement.

SGT. CAMPBELL: And just explain to me a little bit more about when he went down to the ground.

SCHIFF: Okay.

SGT. CAMPBELL: Did it look like—did it

look like it was a purposeful going down to the ground or that he fell or what do you think?

SCHIFF: In all honesty when it happened it didn't look like someone falling forward, it appeared as though someone would jump to their knees and then jump with hands in front of them in order to make themselves a smaller target as I explained before with palm positioning and tactical movement.

SGT. CAMPBELL: And then what was he doing with his arms?

SCHIFF: He still had his arms stretched out with the laser on and the weapon pointing in our direction.

SGT. CAMPBELL: Aside from being in a marked patrol vehicle and you were wearing your uniform were you able to ID yourself as a police officer?

SCHIFF: At that point I never said I am a police officer but the marked police vehicle, my uniform and my commands. There's no way he wouldn't have known who or what I was.

SGT. CAMPBELL: Okay. Did you have a chance to identify yourself as a police officer?

SCHIFF: No, it happened way too fast.

SGT. CAMPBELL: So on that line of questioning is there any reason to believe that the suspect wouldn't know that you were a police officer?

SCHIFF: I believe it would have been impossible for him not to know I was a police officer.

SGT. CAMPBELL: You mentioned when you were driving up the hill a guy was coming down. Did he say anything to you or look at you funny?

SCHIFF: You know aside from you know what you'd expect a typical person to so when they see a radio coming up right past them, aside from looking at us of course probably wondering what was going on, he never said anything to us, he never pointed or yelled anything. He just calmly stepped out of the way and continued to walk down the hill.

SGT. CAMPBELL: Okay. And then once you got past this guy, this civilian and you saw the suspect did you see anybody else?

SCHIFF: There was no one else at that point, it was only the suspect in the immediate area.

SGT. CAMPBELL: And what was your backdrop, do you recall?

SCHIFF: Yeah, it was hillside and the road.

SGT. CAMPBELL: Okay. Could you see any houses or anything like that?

SCHIFF: No.

SGT. CAMPBELL: Okay. So you've already explained this but I just want to be specific, when did you draw your firearm?

SCHIFF: I drew my firearm at the point that I stopped the vehicle, as soon as I could. The goal would be to draw my firearm and make sure I was protecting myself as soon as possible but I was also operating the vehicle.

SGT. CAMPBELL: And so would you say you drew it as you were opening up the door?

SCHIFF: I couldn't say exactly but I would assume.

SGT. CAMPBELL: Somewhere in that—

SCHIFF: I was trying to get it out as fast as possible.

SGT. CAMPBELL: Okay. And one more time explain why you drew your firearm.

SCHIFF: In self-defense.

SGT. CAMPBELL: Was there a warning given before you fired?

SCHIFF: Aside from the warning show me your hands which he acknowledged and then disobeyed but time did not warrant that.

SGT. CAMPBELL: Why did you fire your firearm?

SCHIFF: Because I believed he was about to engage me.

SGT. CAMPBELL: And what do you mean by engage?

SCHIFF: I believed he was going to fire on me and I was in fear for my life and the life of my partner and anyone else who was in the area.

SGT. CAMPBELL: Do you know how many rounds you fired?

SCHIFF: I do not.

SGT. CAMPBELL: And you said you recall having two magazine changes?

SCHIFF: Yes.

SGT. CAMPBELL: Do you recall—so the first one you said you went red. The second one—

SCHIFF: Was a tactical change. It's something we're taught to do in the Academy at the range in order to make sure that we have the optimum amount of rounds in our weapons. As I wasn't sure if the threat was over.

SGT. CAMPBELL: Okay. Do you recall your stance and your grip?

SCHIFF: My stance and my grip on the weapon?

SGT. CAMPBELL: Uh-huh.

SCHIFF: At which point?

SGT. CAMPBELL: When you exited the vehicle and you were ordering the suspect to show his hands.

SCHIFF: I was I believe standing with one foot out of the vehicle, one foot in trying to make myself smaller behind cover and giving orders but I was clearly visible.

SGT. CAMPBELL: Do you recall if you had both hands on it or one hand?

SCHIFF: Both hands on my weapon.

SGT. CAMPBELL: Okay. And what was your target?

SCHIFF: My target—the threat when it presented itself.

SGT. CAMPBELL: In this case what was your threat?

SCHIFF: The suspect.

SGT. CAMPBELL: Do you recall if you acquired sights?

SCHIFF: Yes.

SGT. CAMPBELL: When you explained that the suspect said show me your hands what was his tone? What was the sense you got when he said that to you?

SCHIFF: Well a disobeying tone, it was yelling, he yelled it at us, it was clear that he had no intention of adhering to our orders or doing what we were telling him to do.

SGT. CAMPBELL: At any point after you said show me your hands and he responded show me your hands was there any other exchange of words with the suspect?

SCHIFF: If there were at that point I didn't hear it.

SGT. CAMPBELL: Did you exchange—did you say anything else to the suspect?

SCHIFF: No I did not.

SGT. CAMPBELL: Okay, how about when you approached him once you had secured the scene.

SCHIFF: I didn't say anything to him at that point.

SGT. CAMPBELL: Okay. And why did you stop firing?

SCHIFF: Because my Sergeant yelled cease

fire.

SGT. CAMPBELL: And you explained this in your homicide interview a little bit, did you feel that the threat was over when he said cease fire?

SCHIFF: I trust my Sergeant and he must have saw something that I didn't see or I wasn't aware of at that point and he at that point may have determined the threat was over and so I trust in my Supervisor so that's when I stopped.

SGT. CAMPBELL: Now you said a little bit you weren't a hundred percent sure if you had the ERIW in your vehicle.

SCHIFF: Yes.

SGT. CAMPBELL: If you did have it in your vehicle would that have been a reasonable option for you to utilize?

SCHIFF: No.

SGT. CAMPBELL: Why not?

SCHIFF: Because the typical situation where you use an ERIW or a less than lethal weapon would be when someone is threatening to hurt themselves but not ever when there's a threat, especially with a gun call, never with a gun call where they're threatening us or anything like that. I would never use that.

SGT. CAMPBELL: Okay. Do you recall experiencing any sensory distortions such as tunnel vision, intrusive thoughts like family you know coming into play, memory loss?

SCHIFF: No.

SGT. CAMPBELL: Auditory exclusions?

SCHIFF: You know it's a firefight, I'm sure you know with the adrenalin pumping some of that must have happened, I think it's impossible for it not to but nothing notable. I felt in control the entire time.

SGT. CAMPBELL: Aside from Sergeant Sawyer did any other Supervisor respond to the scene that you recall?

SCHIFF: Yes, another Supervisor did respond to the scene, he came later. I believe it was Sergeant Chan but I can't be specific.

SGT. CRUDO: Sergeant?

SCHIFF: Chan, Sergeant Larry Chan. That was after the threat had stopped and the scene was secured.

SGT. CAMPBELL: Okay and did you provide a public safety statement?

SCHIFF: A public safety statement, I'm sorry?

SGT. CAMPBELL: Supervisor gets to the scene, asks you what direction you fired in.

SCHIFF: I did not. I never even spoke with the Sergeant. At that point I'd already been separated. It was moving straight towards the vehicle to take me to a separate location.

SGT. CAMPBELL: Okay. Do you recall how long—once you deemed the scene was safe or got pulled back from the guy how long were you on the scene at that point?

SCHIFF: You know, time distortion but at that point it couldn't have been there much longer than five minutes. It was straight back down the hill separated by CERT and put into a vehicle and taken back to Ingleside Station.

SGT. CAMPBELL: And do you know, do you recall who monitored you?

SCHIFF: It was, who is a CERT member, my FTO at the time, Officer Fugato showed up at the scene, transported me back and then Officer Bradford at the time I was Ingleside Station also monitored me.

SGT. CAMPBELL: Is that Brent Bradford?

SCHIFF: Brett Bradford.

SGT. CAMPBELL: Did you suffer any

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physical injuries as a result of this incident?

SCHIFF: No.

SGT. CAMPBELL: And has the incident impacted you in other ways, loss of sleep, loss of appetite?

SCHIFF: No.

SGT. CAMPBELL: Did you know the suspect?

SCHIFF: No.

SGT. CAMPBELL: Did you have any prior interaction with the suspect?

SCHIFF: I never have, no.

SGT. CAMPBELL: What was your intent in responding to the scene?

SCHIFF: To get to the scene to see whether or not there was a weapon there to try and make the scene safe, to you know make sure there were no threats and stop any threats.

SGT. CAMPBELL: Okay. What was your intent in firing your weapon?

SCHIFF: To stop the threat.

SGT. CAMPBELL: Which was?

SCHIFF: The suspect.

SGT. CAMPBELL: Who was doing what?

SCHIFF: At that time I believe engaging me.

SGT. CAMPBELL: And engaging you mean firing at you?

SCHIFF: Firing at me.

SGT. CAMPBELL: And you sort of touched on this but were other force options considered?

SCHIFF: At that point that was the level of force that I choose, that was the appropriate level to meet someone with a weapon like that.

SGT. CAMPBELL: I don't have any other questions.

SGT. CRUDO: Just a couple of clarifying things officer.

SCHIFF: Absolutely.

SGT. CRUDO: Okay. I'll try and do these sort of in order, you know, I'll walk through them but when you first arrived up on the scene you actually identified the person matching the description, the likely suspect in this case.

SCHIFF: Uh-huh.

SGT. CRUDO: Did you actually see where his hands were, were you able to see where his hands are?

SCHIFF: At what point? The point I got out of the vehicle?

SGT. CRUDO: When you first saw him do you

remember where his hands were?

SCHIFF: Yeah it seemed like they were more towards his midsection about where his chest was.

SGT. CRUDO: Okay and you're holding your hands together, almost fingers interlaced. Were they up in that manner?

SCHIFF: They were not interlaced but they were up and it's--the best way that I can describe it is what I recognized like for example we're at the range or when we're being trained which is to have your hands up in a ready position, it's about up to almost your sternum, it allows you for quickest movements to your weapon, to anything, to any kind of tool you need. So that was kind of the stance.

SGT. CRUDO: Did that mean anything to you?

SCHIFF: Absolutely.

SGT. CRUDO: What did that mean?

SCHIFF: It's an aggressive way to have your hands to be ready like that to be ready to move quick. It tells me again as I said before he may have some sort of tactical or military experience.

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SGT. CRUDO: It was from there that he went down, reached his shirt, and he responded to you in English he said, you know, show me your hands.

SCHIFF: Yeah.

SGT. CRUDO: When you kind of talk about that a little bit but you said he was yelling.

SCHIFF: Uh-huh.

SGT. CRUDO: Is there an adjective that you could apply to how—what his demeanor may have been.

SCHIFF: Angry.

SGT. CRUDO: How you interpret it—angry?

SCHIFF: Angry, absolutely.

SGT. CRUDO: Okay and that's based on his inflection and his stance, volume, okay.

SCHIFF: Absolutely.

SGT. CRUDO: And then he draws his weapon.

SCHIFF: Yes.

SGT. CRUDO: Is more or less 25 feet?

SCHIFF: That's what I believe—no, I'm sorry, 25, 30 yards.

SGT. CRUDO: Yards, okay, I'm sorry, my bad. But he's 25 yards away, 30 yards away. So some distance.

SCHIFF: Yes.

SGT. CRUDO: He draws his weapon more or less directly in front of you.

SCHIFF: Uh-huh.

SGT. CRUDO: So if we're looking at a clock here he's somewhere maybe in between listening to you maybe in between the 11:00 and the 1:00 o'clock position?

SCHIFF: Yeah, he's directly in front of our vehicle.

SGT. CRUDO: Okay. So as he draws his weapon what kind of view of his weapon did you have if you had any?

SCHIFF: A clear view. I could see the weapon from the point—the point when we had first seen him I didn't see it, his sweatshirt, his zip-up sweatshirt was covering it.

SGT. CRUDO: And can you describe the weapon that you saw him draw?

SCHIFF: I recognized it to be a—well first of all in a plastic holster and then the weapon looked like to be a big large-caliber black handgun.

SGT. CRUDO: And you had the view as he's drawing from the holster directly on so are you

looking basically at the top of his weapon?

SCHIFF: Yeah.

SGT. CRUDO: So you're looking directly down on the muzzle of his weapon. Did you see any color on that?

SCHIFF: No. I'm seeing the barrel as if the barrel is pointing straight at you, you would not see the side of the weapon. I'm only seeing straight from the top of the weapon to the point of the barrel.

SGT. CRUDO: So when you're able to focus on the weapon he's already got it up in a raised position, you talked about the light and the light is immediate, is the light immediately active when it's up?

SCHIFF: Yes. Maybe I'm misunderstanding what you're asking but at the point when I saw him take his right hand go down and draw I recognized that there was a firearm, it had the shape of a firearm, of a semi-automatic weapon. At that point he drew the weapon with his right hand, came up to both hands and I could see a red light emitting from the weapon.

SGT. CRUDO: And where you're holding your hands right now you have it back in that position.

SCHIFF: Back in that midsection.

SGT. CRUDO: Is that where he was holding or what we call in the Academy or at the range punch out where he extends his arms?

SCHIFF: Yeah, he punched out. It was one solid movement.

SGT. CRUDO: And what does that mean to you?

SCHIFF: That means that he's going to engage me, that means that he's going to fire at me, that's—that's, it's something you do when you pull out a firearm, you're going to pick up your sights and you're looking at a target.

SGT. CRUDO: So and a number of times in this interview you've used the word engaged and by engaged what I'm gathering from that word when you saw engaged he's about to begin shooting at you?

SCHIFF: Yes, I'm sorry.

SGT. CRUDO: Because you keep saying engaged and I think that's very sterile, that's a great word but at the same time is what you're saying is that you believe at that point he's about to shoot you?

SCHIFF: Yes.

SGT. CRUDO: Okay. You talked a little bit

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about—you talked about going red, your Sergeant says covering. You change magazines. At that point your focus—your focus is on your weapon, the well of your weapon, removing the magazine, getting that exchange, is that correct?

SCHIFF: Both. I do what—I tried to do a quick peek. Theoretically you'd like to be able to manipulate your weapon without ever looking at it, you know, in a situation like that I need to look at it so I take peeks but I'm still watching the suspect at the same time.

SGT. CRUDO: And I know at the Academy or at the range we try to practice sort of indexing so looking through that weapon as we're changing, bring it up, change it, replace the magazine. But you're—would I be correct in saying you focus is going to be on getting that magazine exchanged?

SCHIFF: Yeah, absolutely.

SGT. CRUDO: So when your focus returns, your primary focus returns back to the suspect he's still standing.

SCHIFF: He's still standing

SGT. CAMPBELL: And then thereafter, at some point thereafter he gets into somehow he moves into a prone position.

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SCHIFF: Yeah.

SGT. CRUDO: You believe it appeared to you to be a deliberate move?

SCHIFF: Oh yeah.

SGT. CAMPBELL: Into a prone position. And you talked about that being a tactical—it appeared to be a tactical maneuver to make himself a smaller target is that correct?

SCHIFF: Yes.

SGT. CAMPBELL: You said that this indicated to you that he possibly had military training?

SCHIFF: Yes.

SGT. CAMPBELL: Do you have military training?

SCHIFF: I do not.

SGT. CAMPBELL: What leads you to that conclusion?

SCHIFF: My training and experience through the Academy and the time I was on FTO, what has been taught to us is that these are all standard movements that we have been trained on in order to make ourselves less of a target. Before the Academy having been a standard civilian I wouldn't have personally known these tactics had I

not been instructed to do so in the Academy format.

SGT. CRUDO: And just for the record as well you graduated the Academy when?

SCHIFF: I believe it was December.

SGT. CRUDO: Less than a year ago?

SCHIFF: Less than a year ago.

SGT. CRUDO: Okay and so would you say this training is still very fresh in your mind?

SCHIFF: Yes.

SGT. CRUDO: I'm good.

STERN: I don't have any questions.

SGT. CAMPBELL: Officer Schiff is there anything else regarding this incident and investigation that we have not covered that you feel needs to be added?

SCHIFF: Aside from maybe the communication with the Sergeant and I approaching the scene where, you know, in route to the scene where he provided me several times with the description and we discussed tactical movement and making sure that we were separated and that we had the suspect, that we saw a weapon to make sure that we gave him commands.

SGT. CAMPBELL: And is there anything stated during this interview that needs to be

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changed or clarified?

SCHIFF: No, not to my knowledge.

SGT. CAMPBELL: After you leave this interview should you recall anything that differs from or is in addition to the information that you've already provided you're ordered to provide that information to me as soon as practical, do you understand?

SCHIFF: Absolutely.

SGT. CAMPBELL: And you may discuss this matter with your representative as you choose otherwise I'm ordering you not to discuss any portion of this investigation with any other Department employee barring any if there's any litigation or you get any other attorneys, is what I'm saying don't discuss with your friends and family.

SCHIFF: Yes, ma'am.

SGT. CAMPBELL: Do you understand this order?

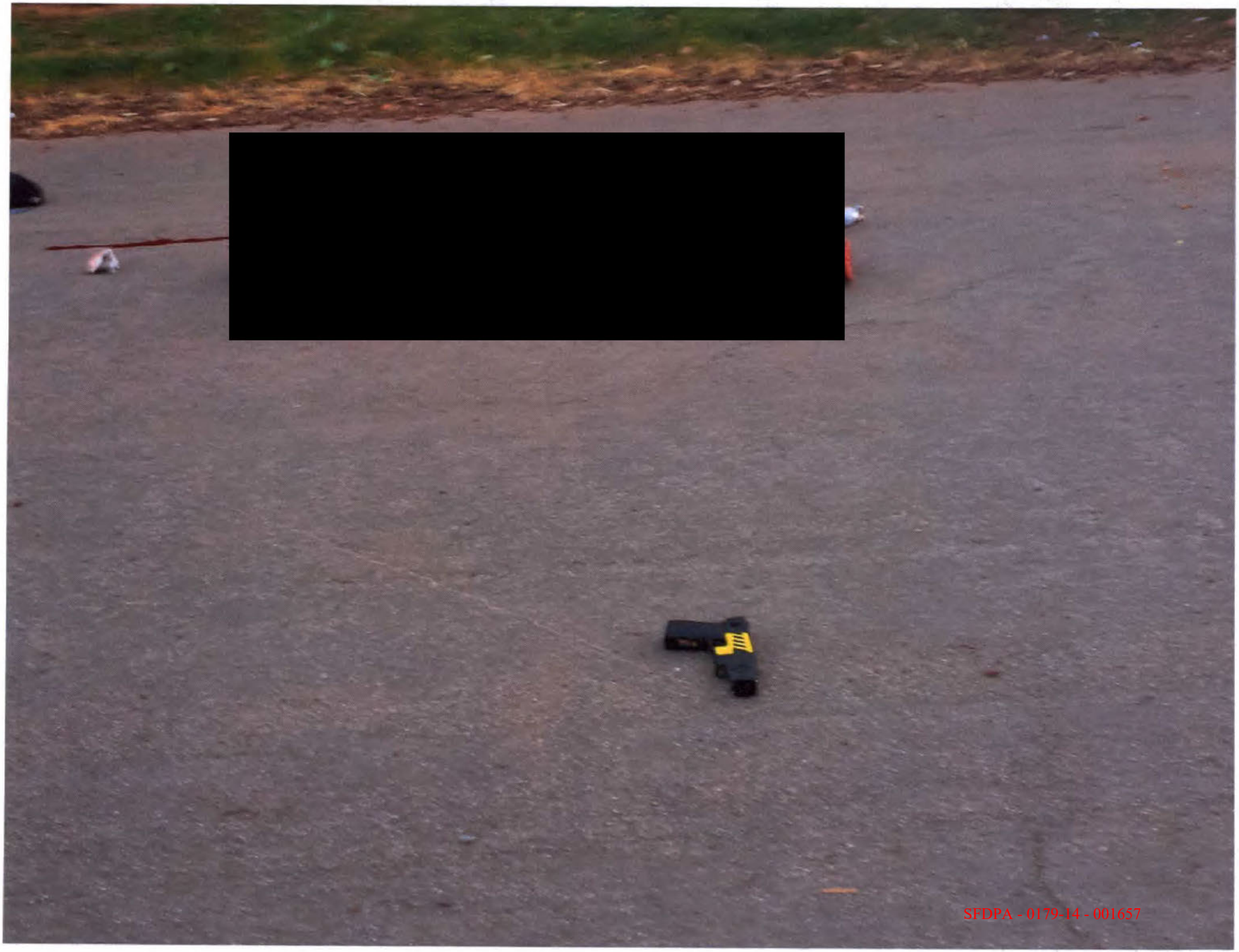
SCHIFF: Yes, ma'am.

SGT. CAMPBELL: This interview is concluded. The time is 2:55 and there recording will now be ended.

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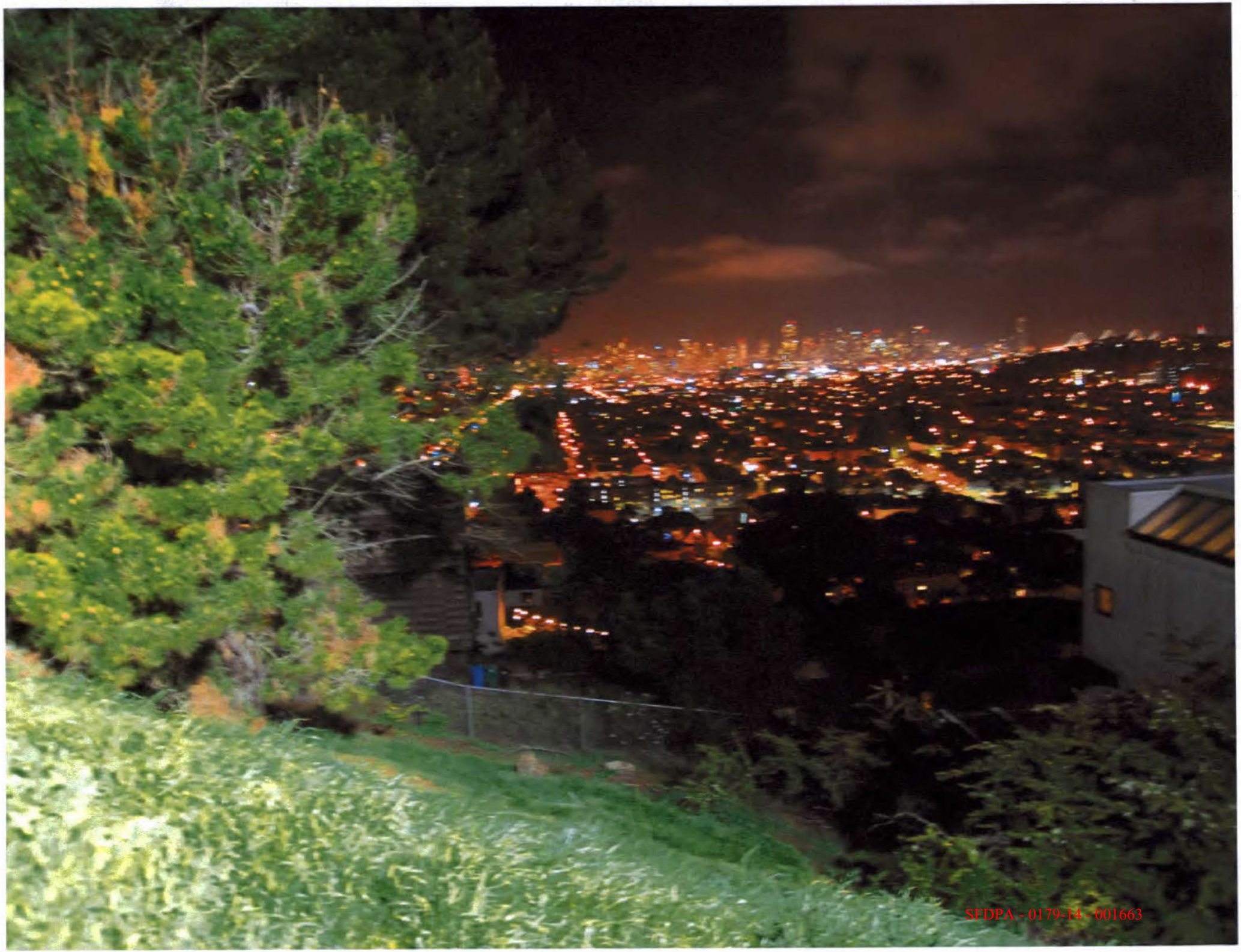

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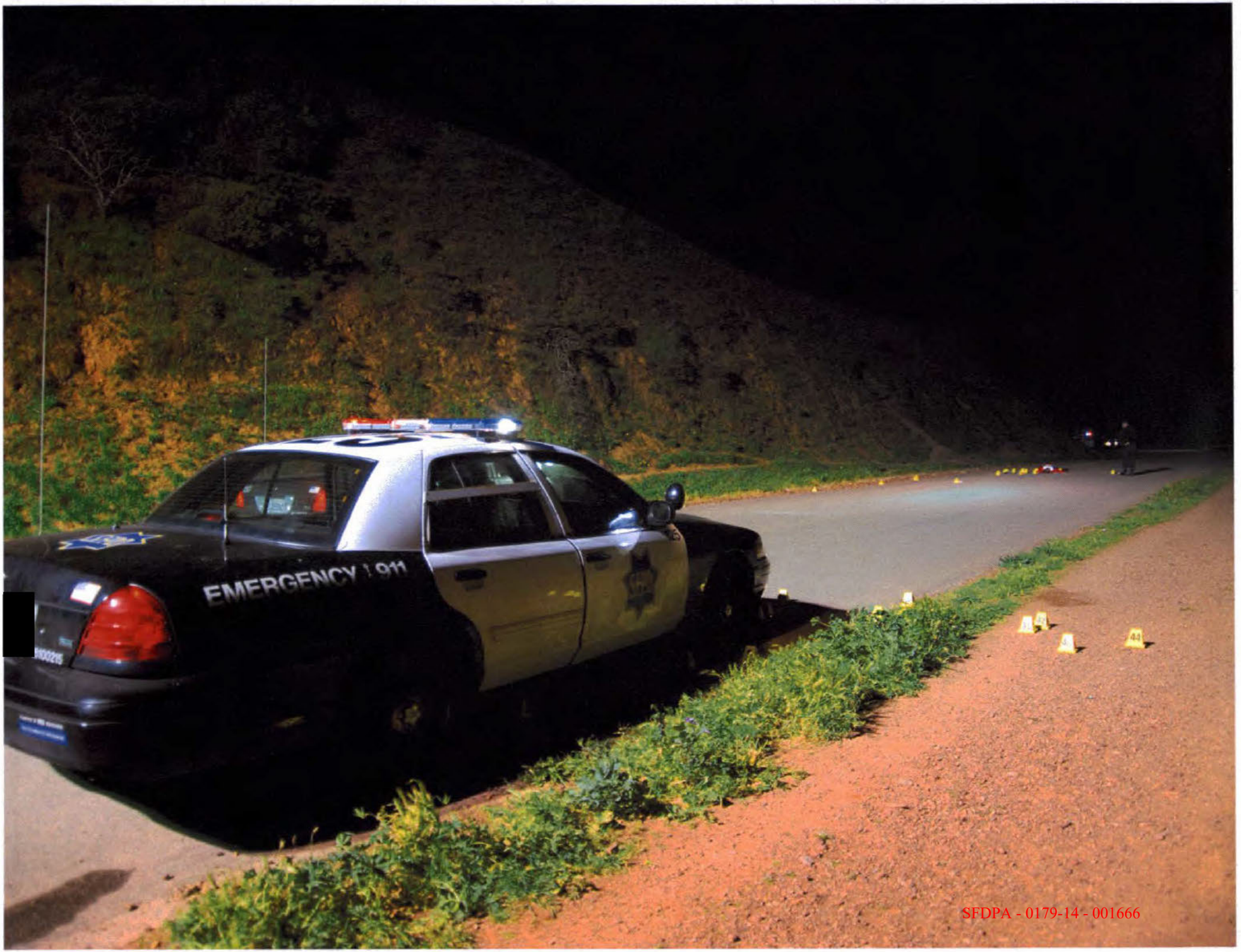

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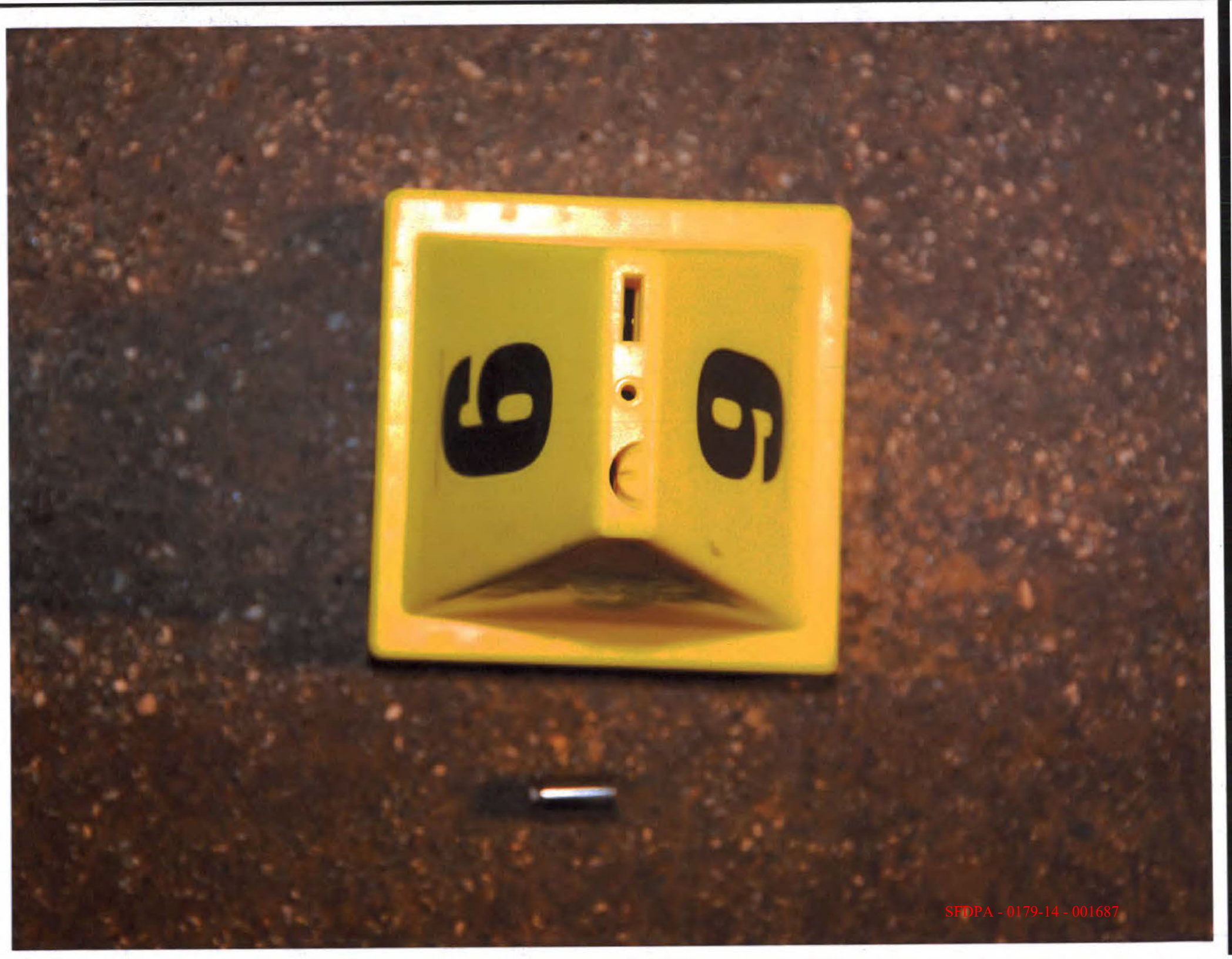

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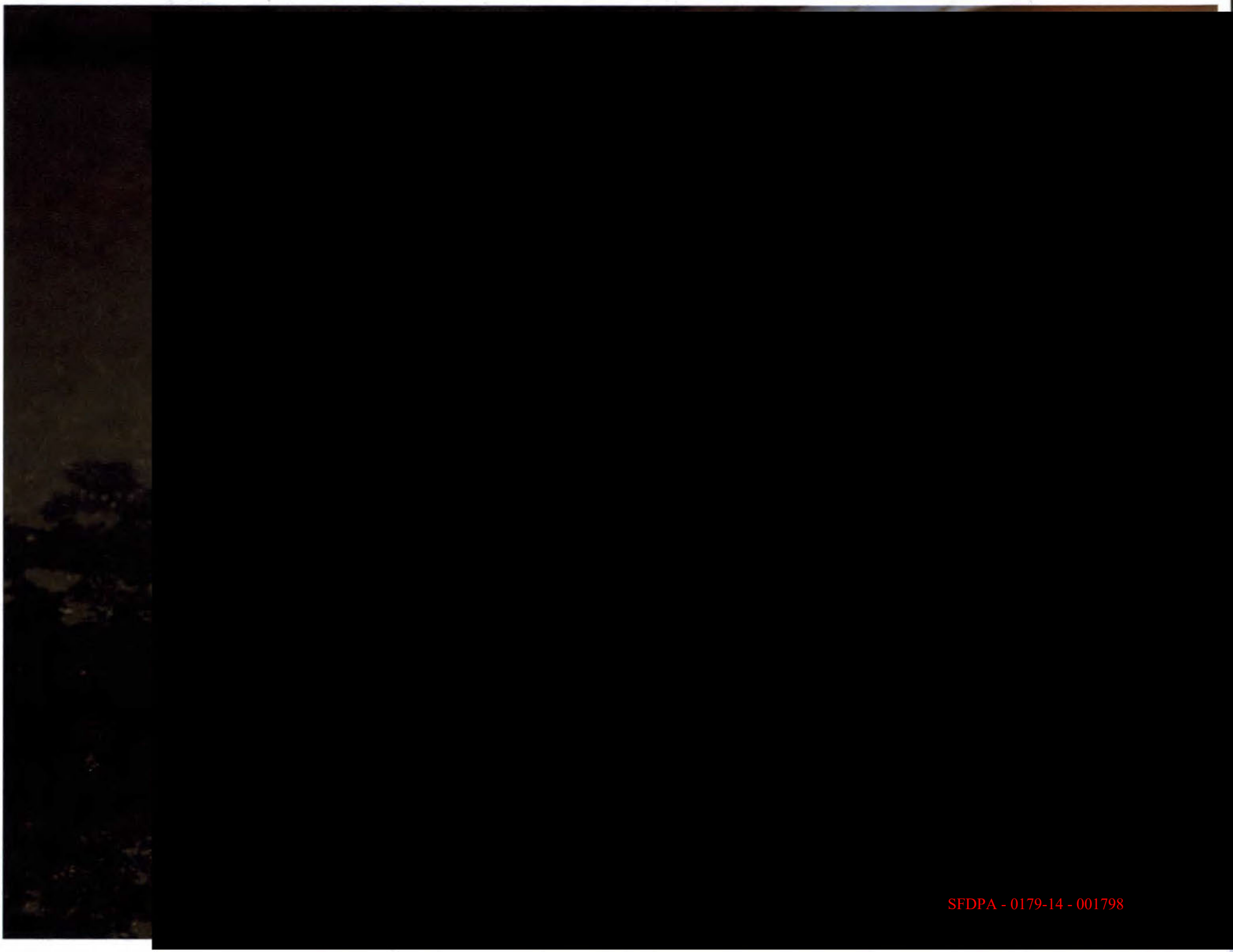
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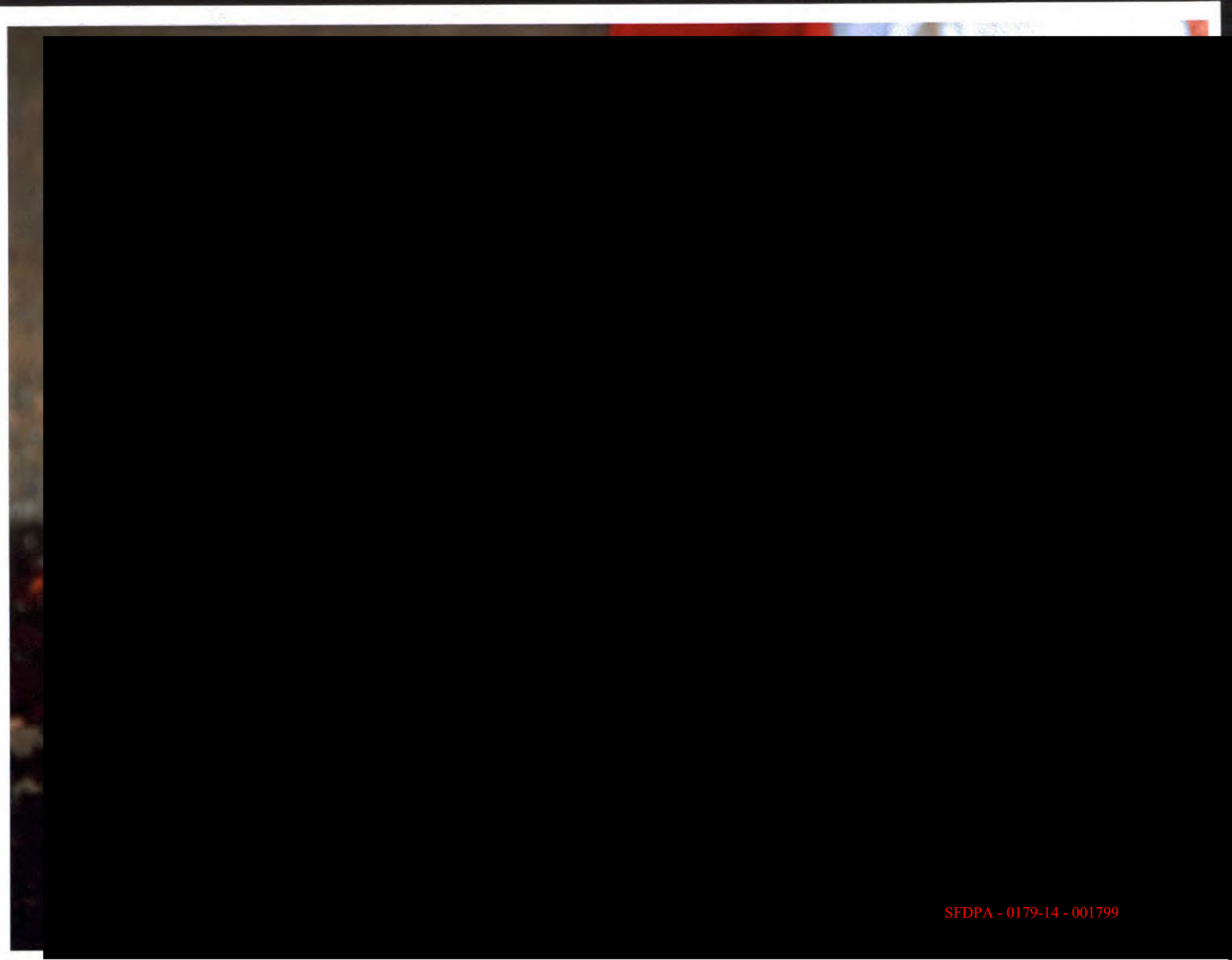
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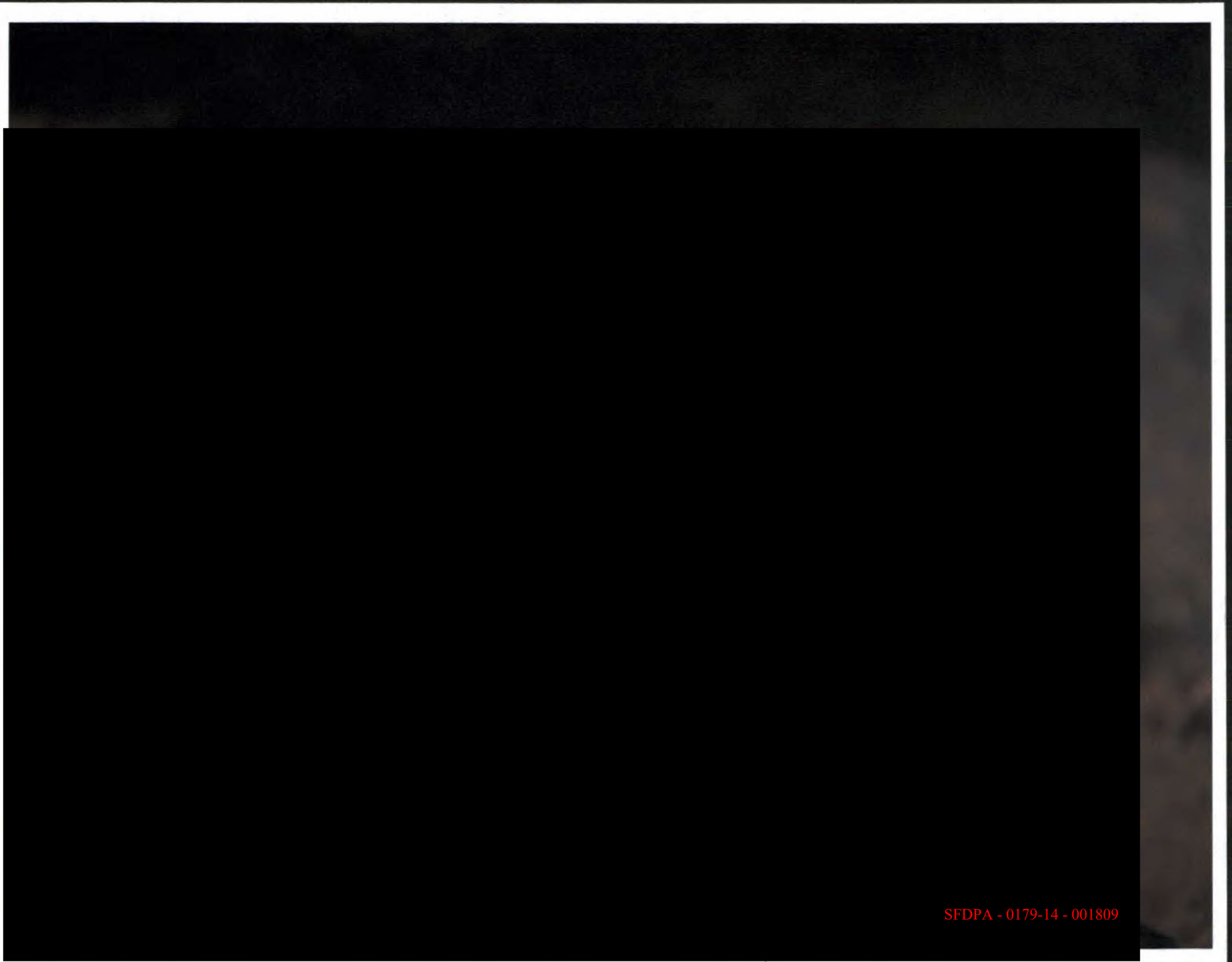
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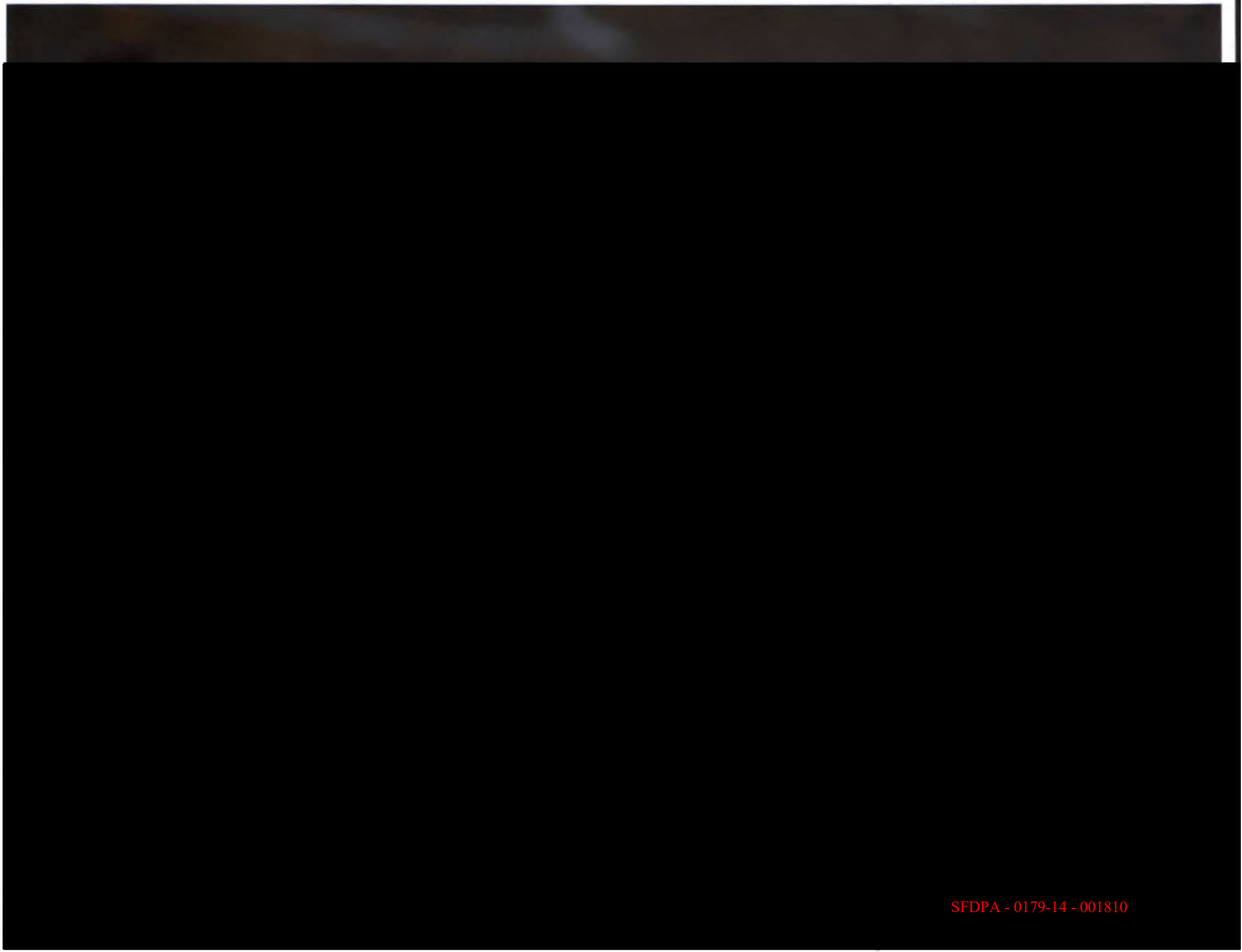
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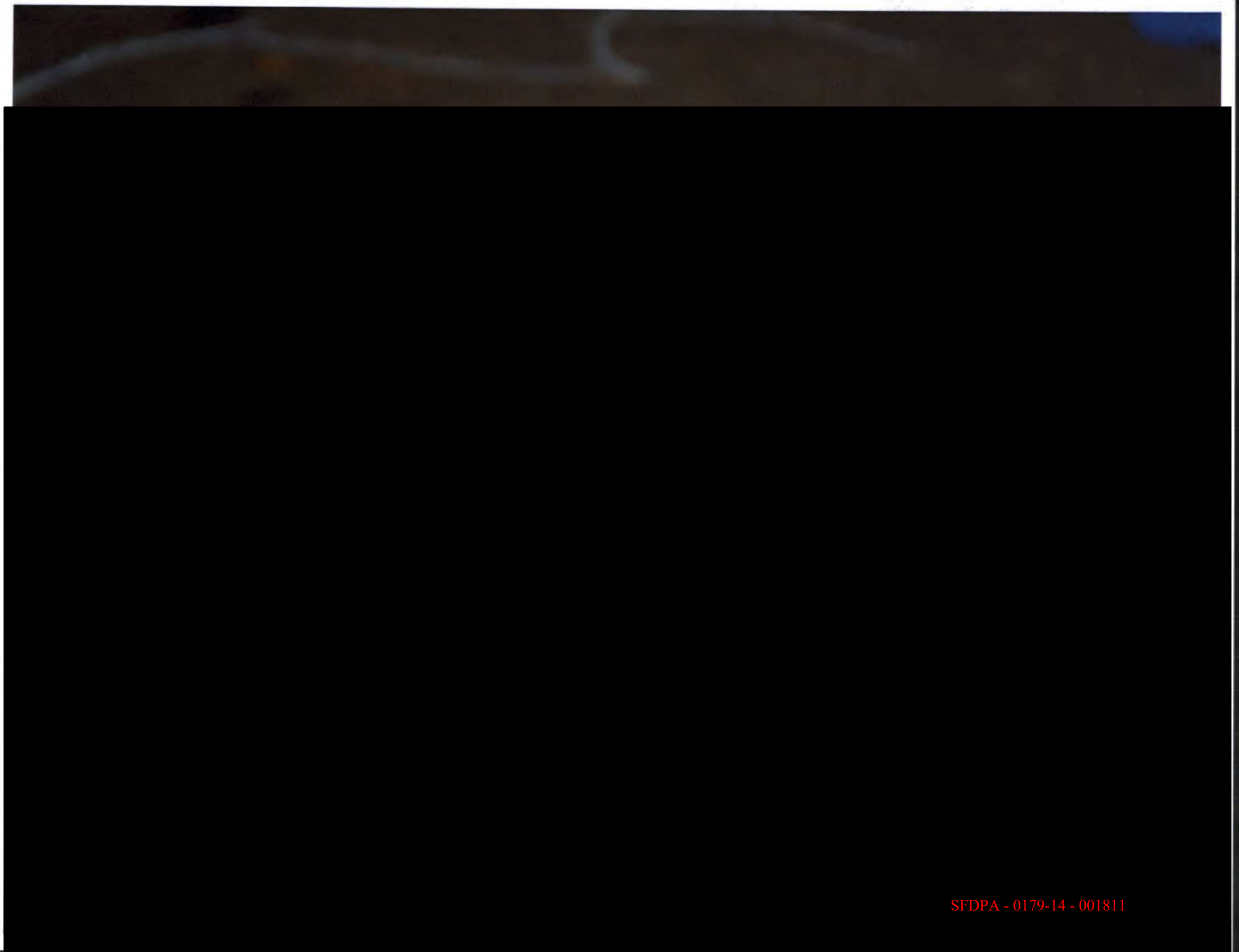


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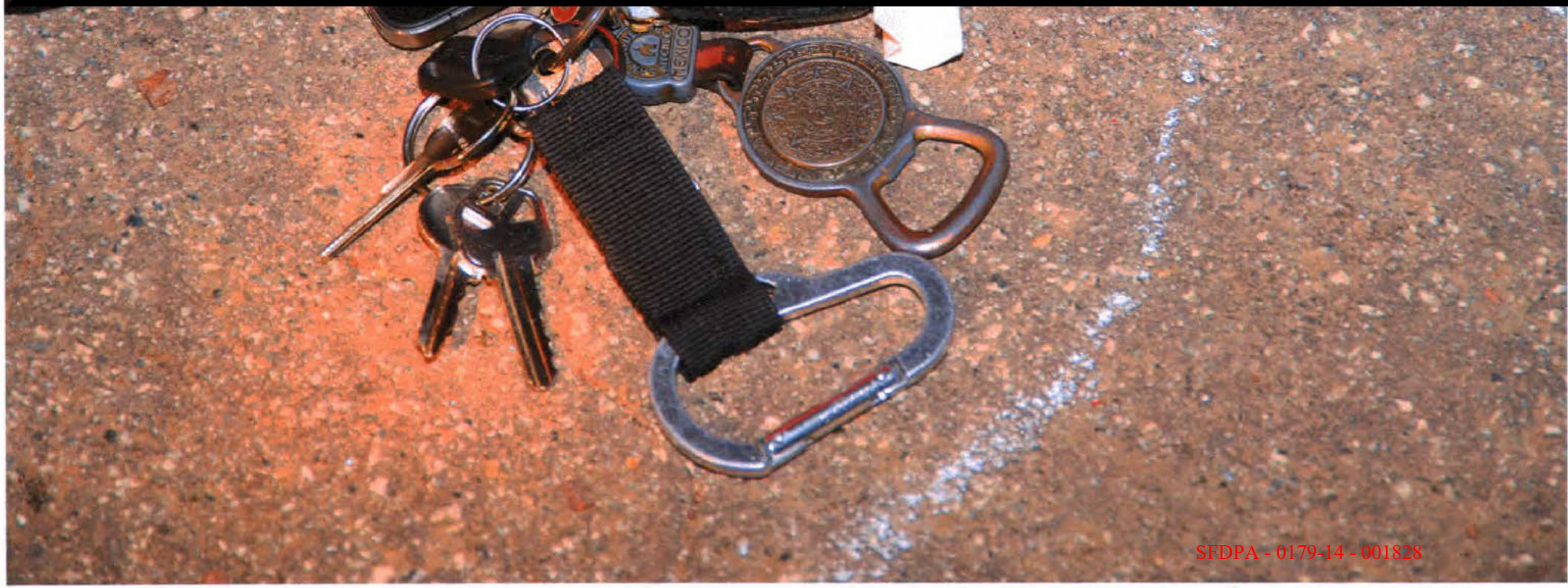


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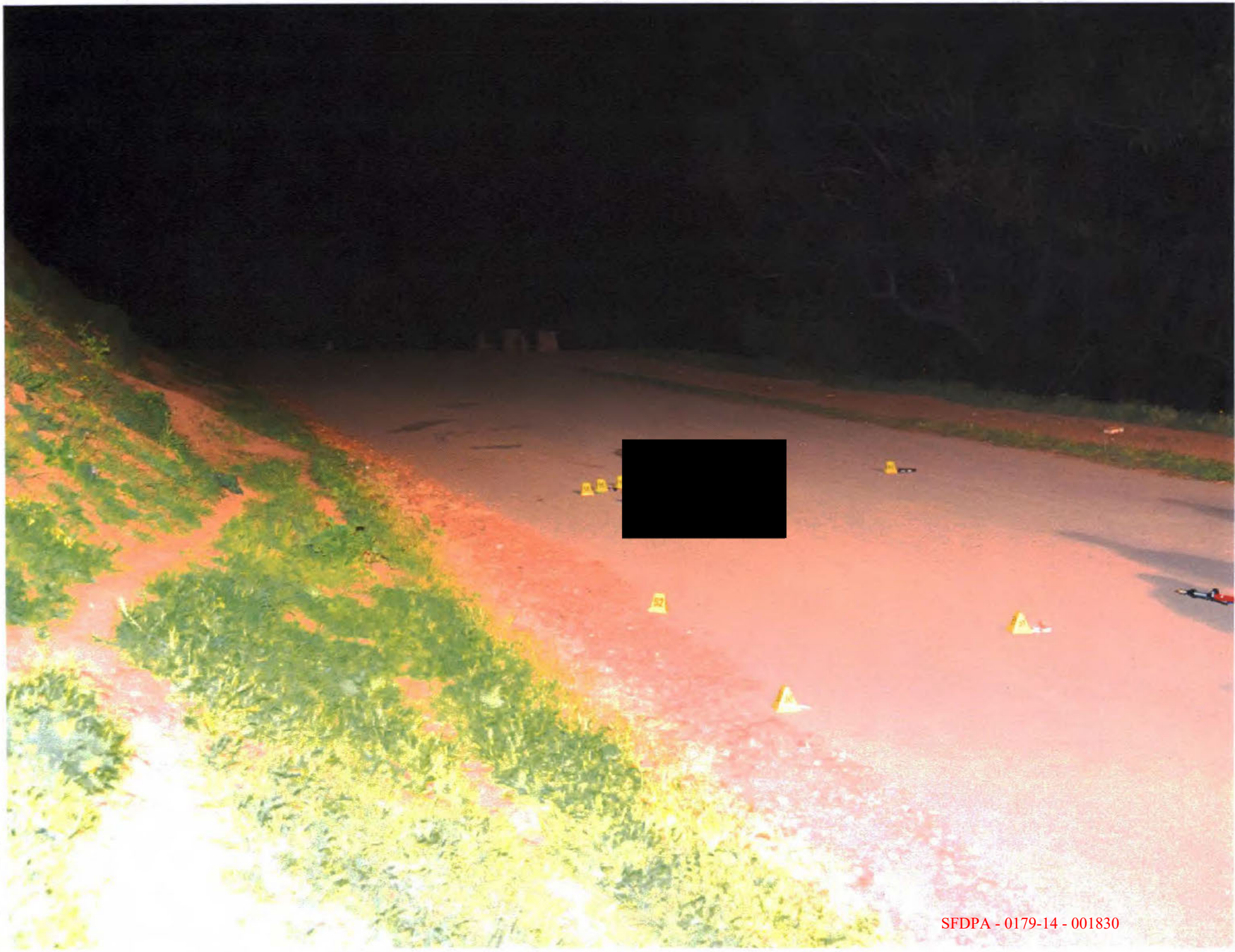
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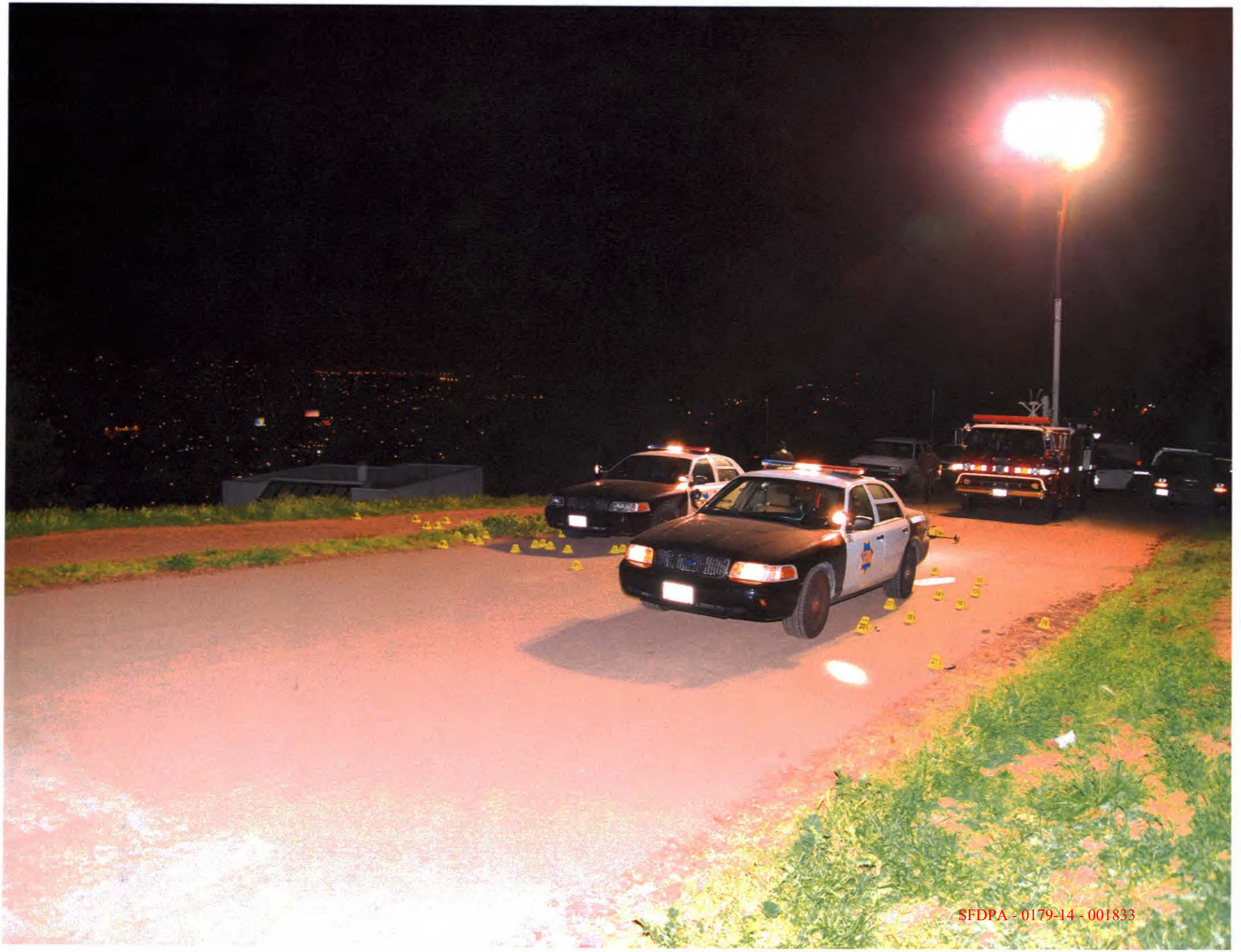

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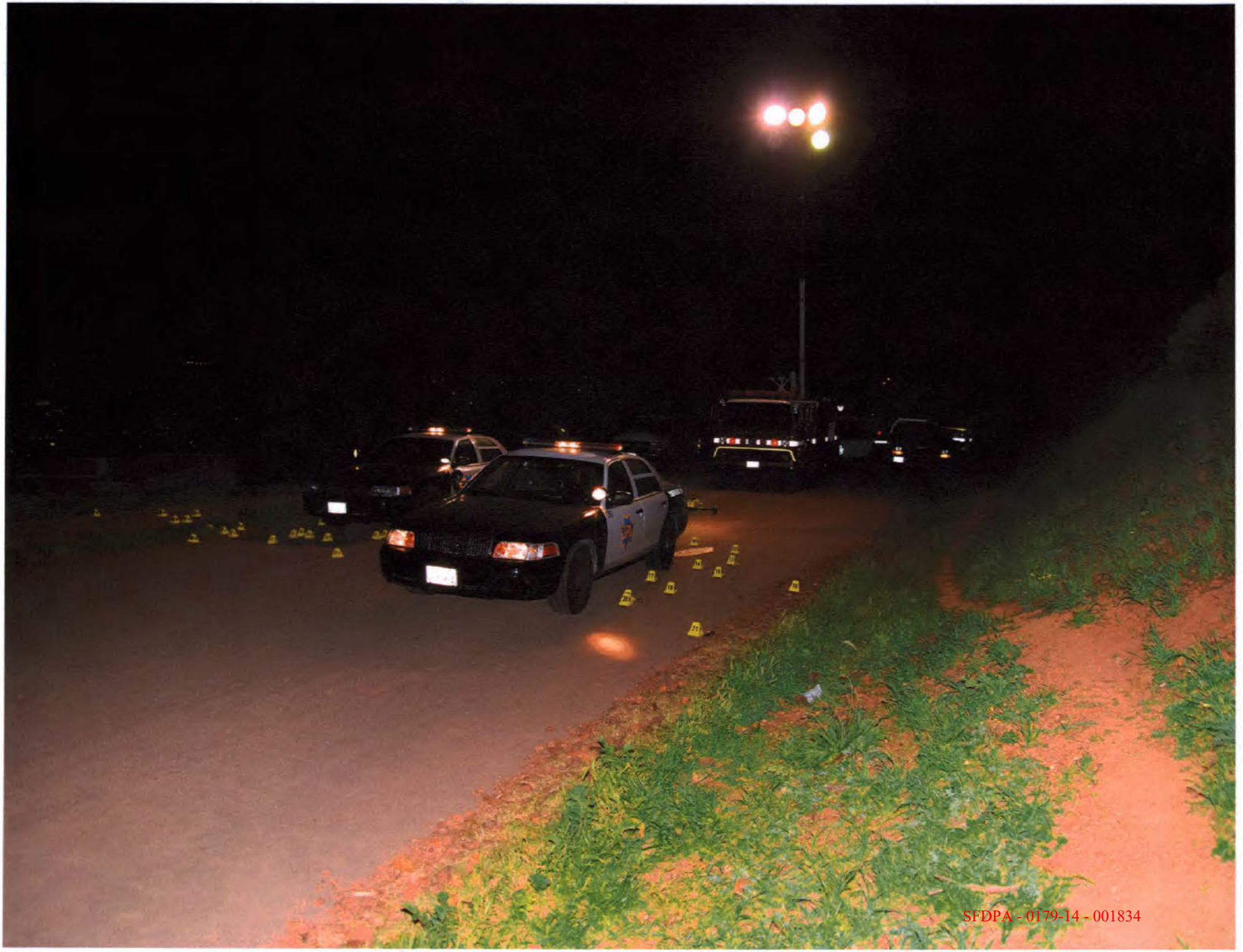
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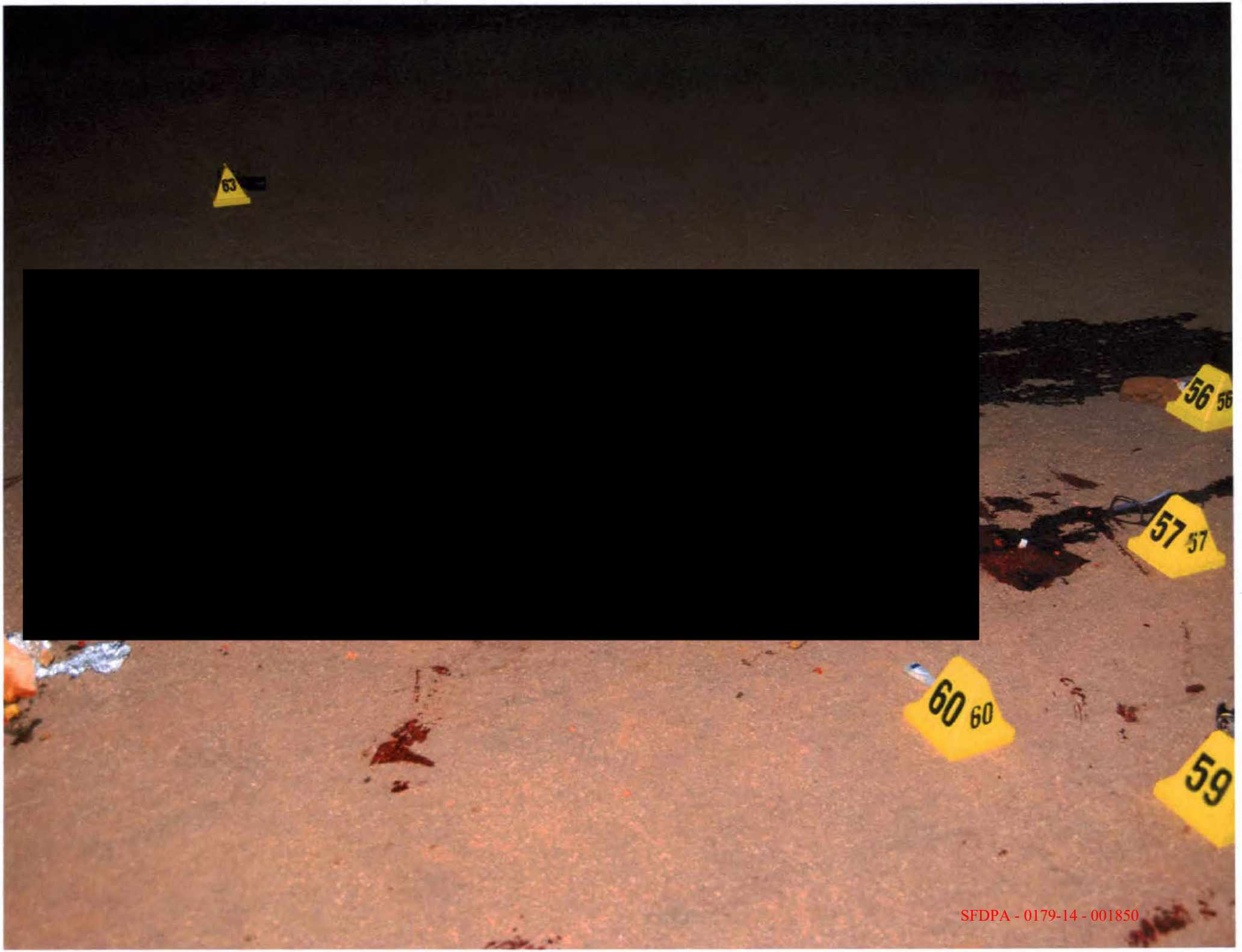

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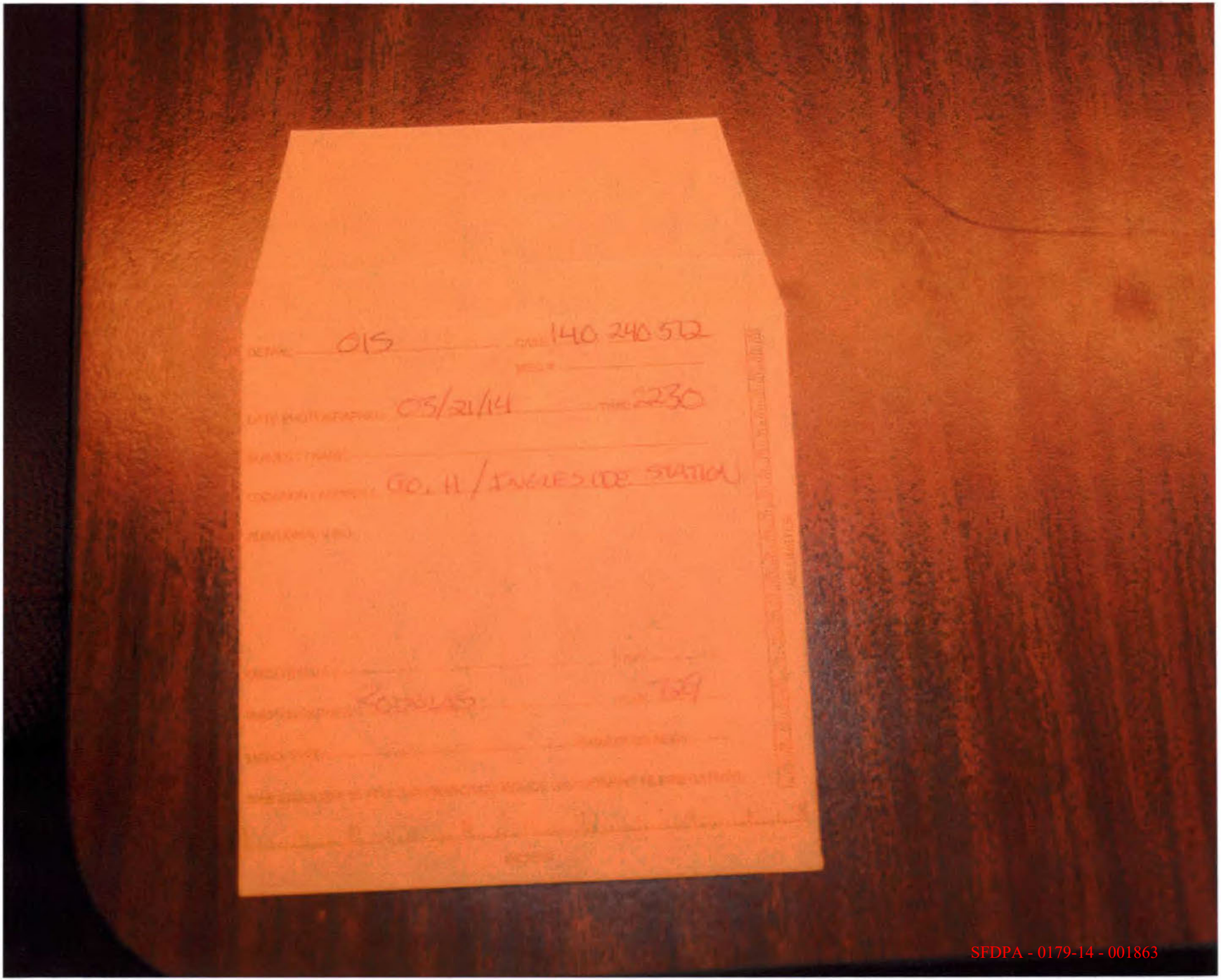
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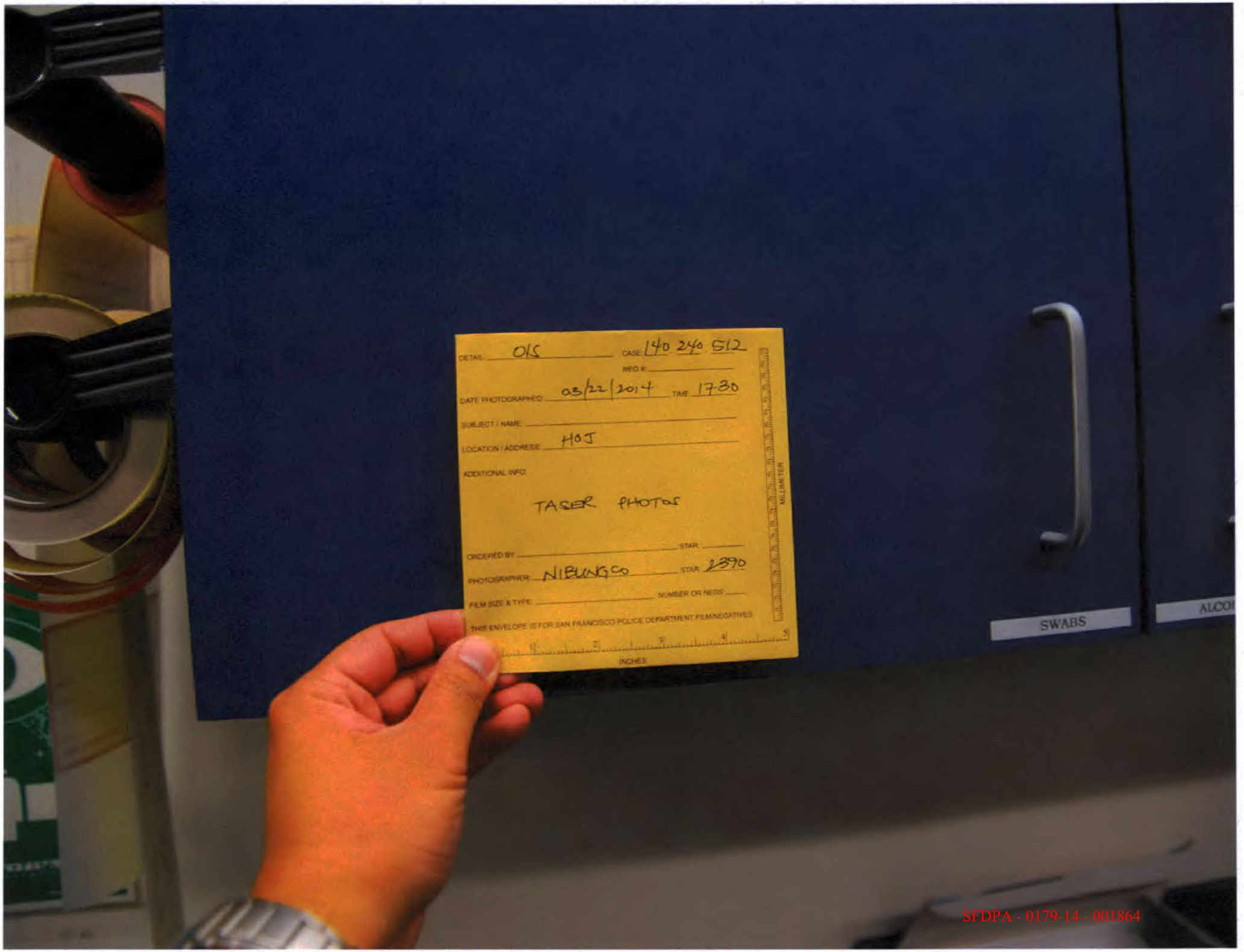


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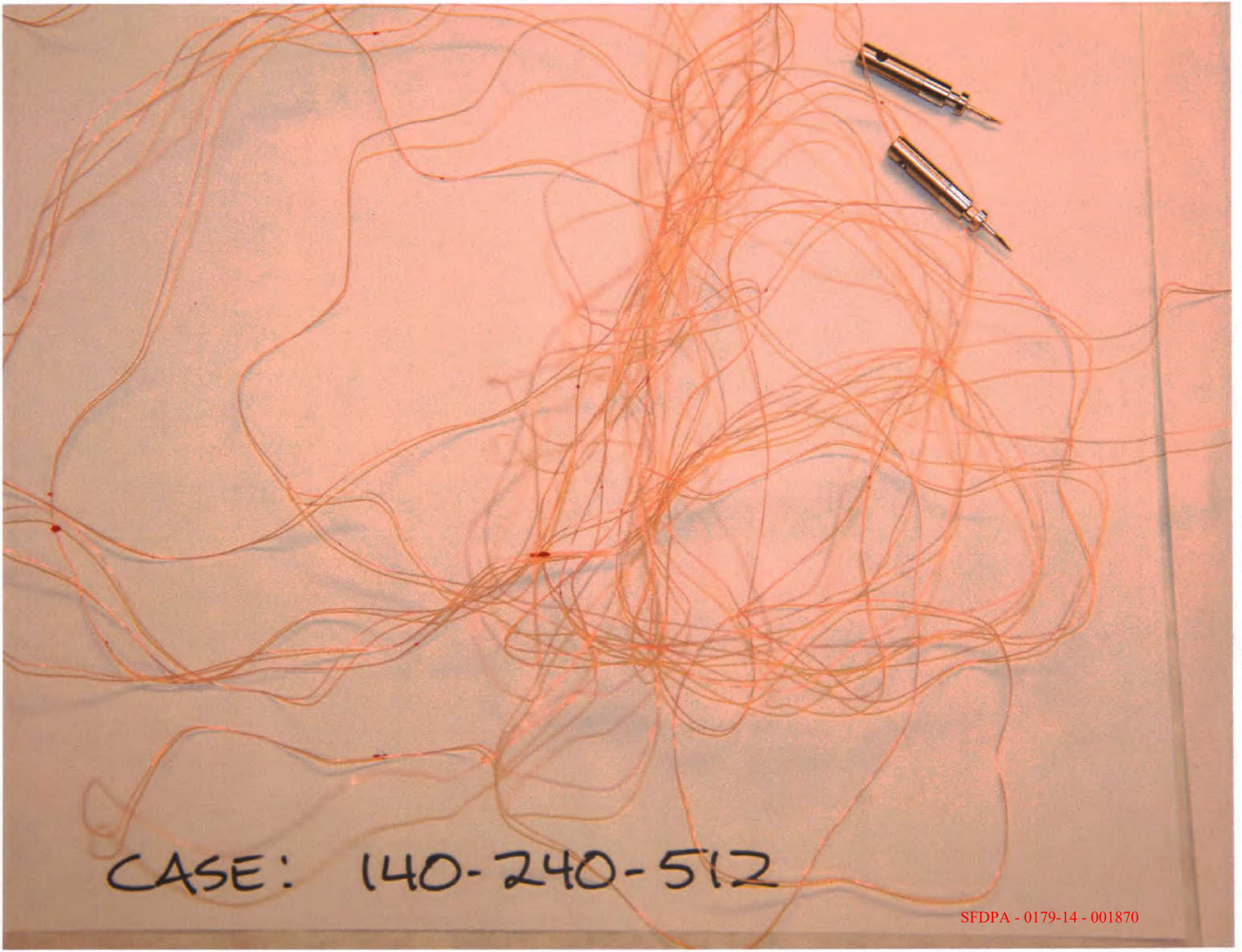
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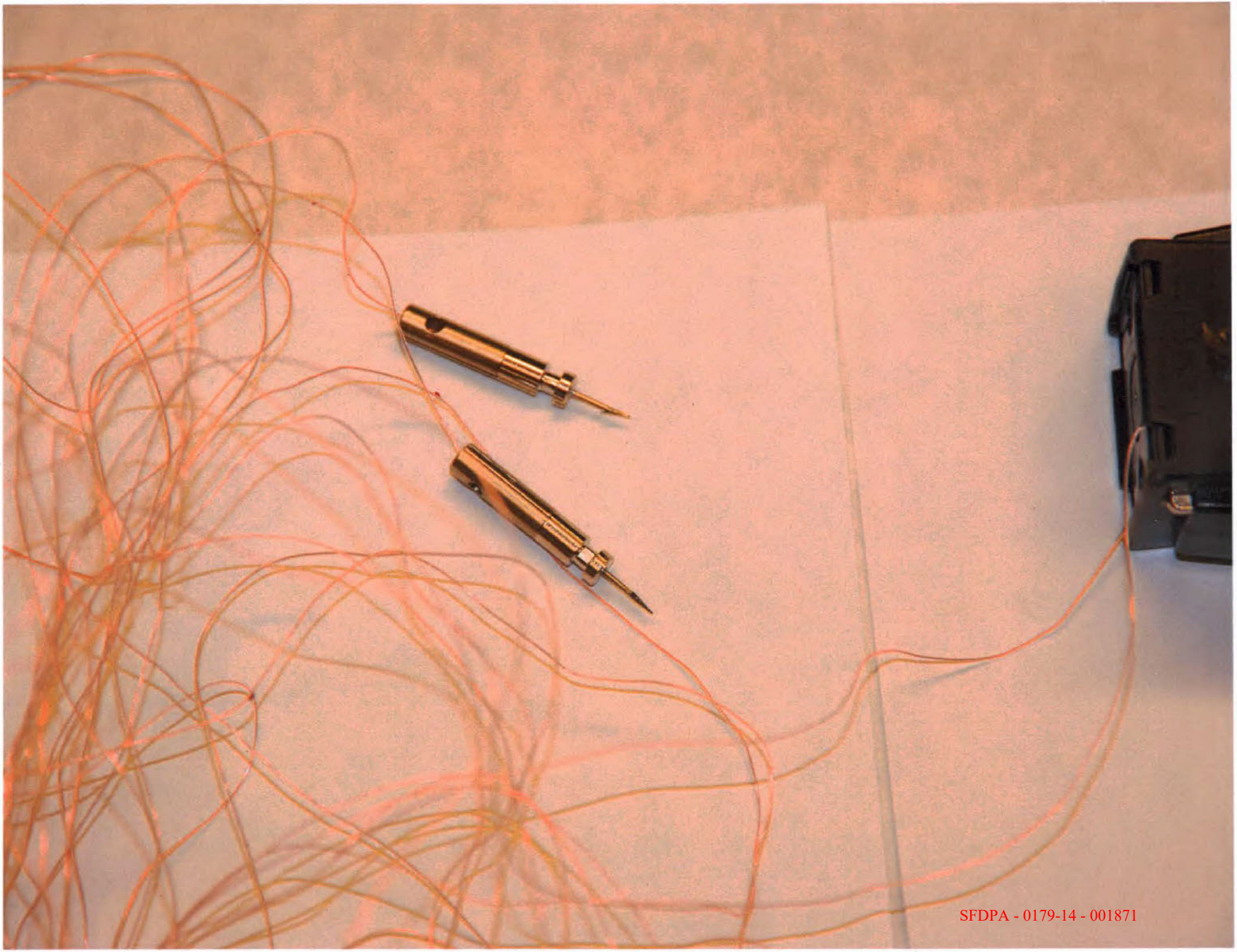
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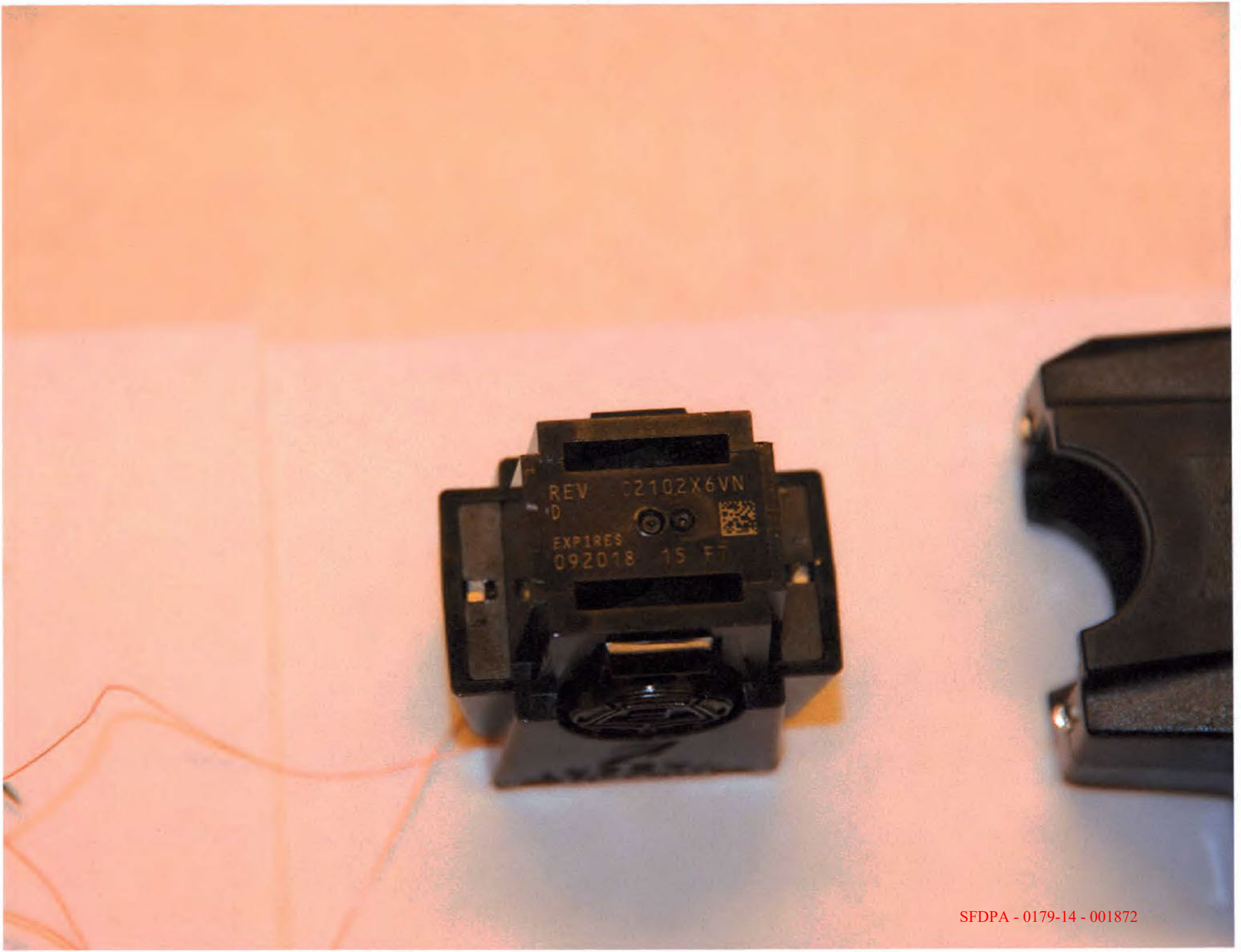
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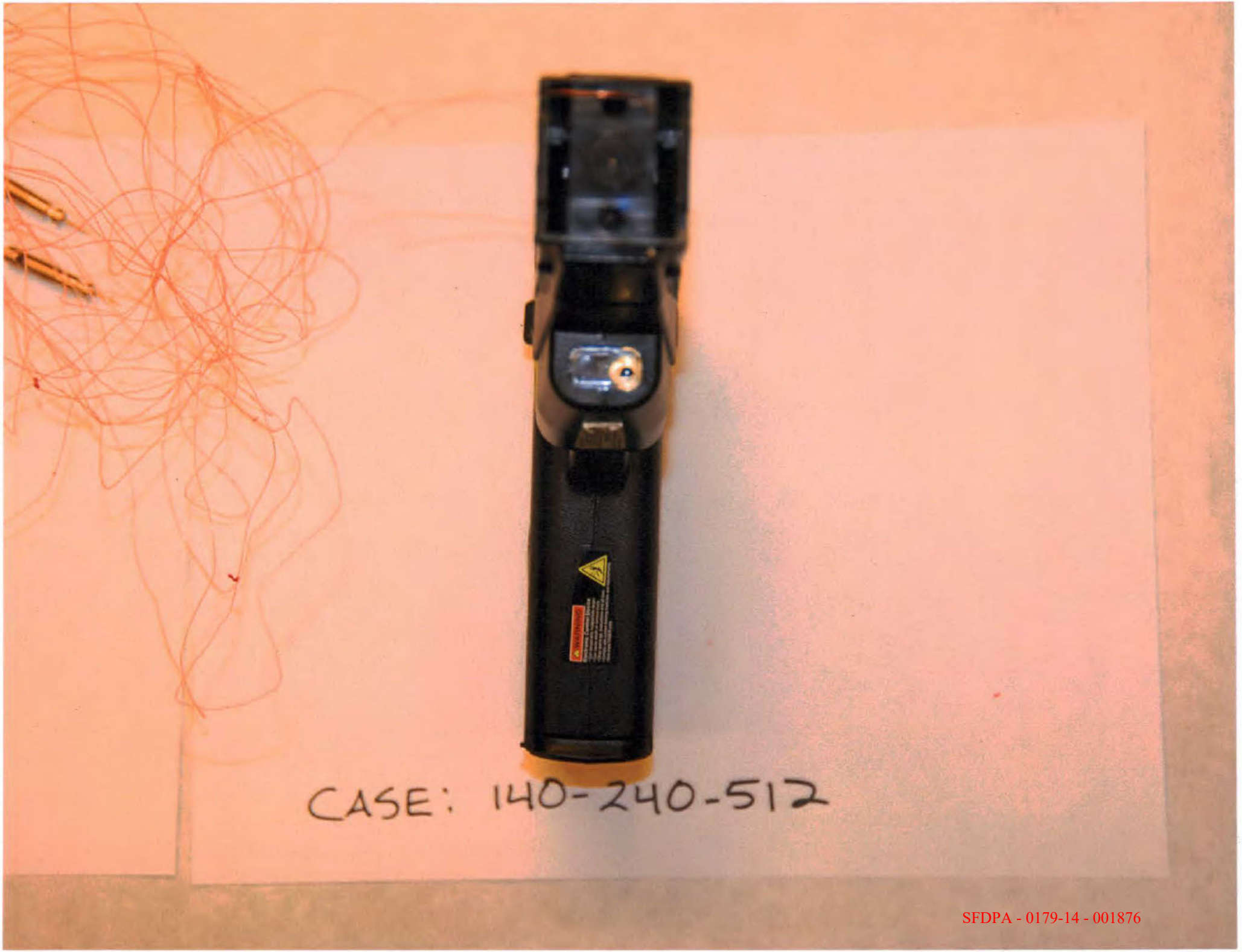
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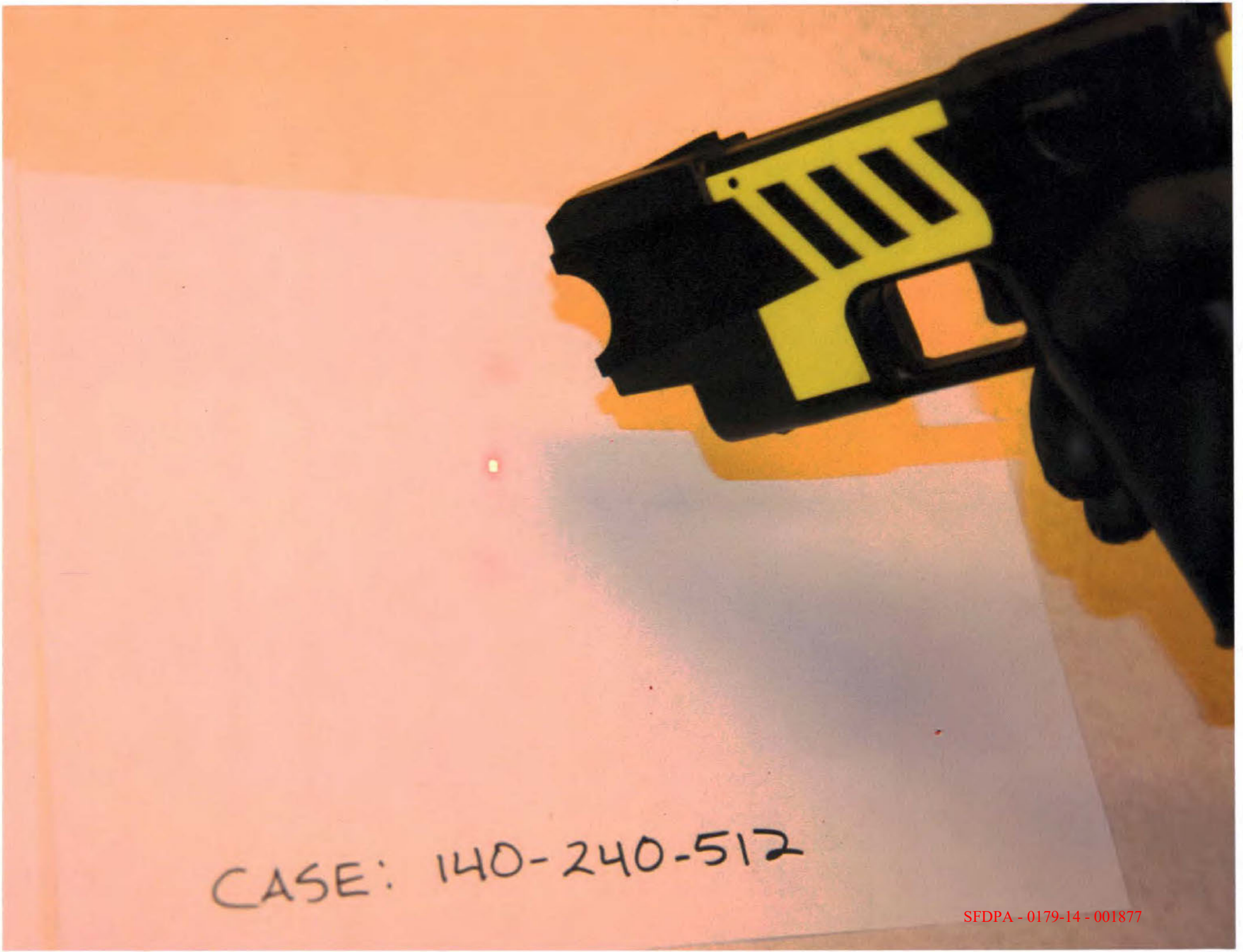
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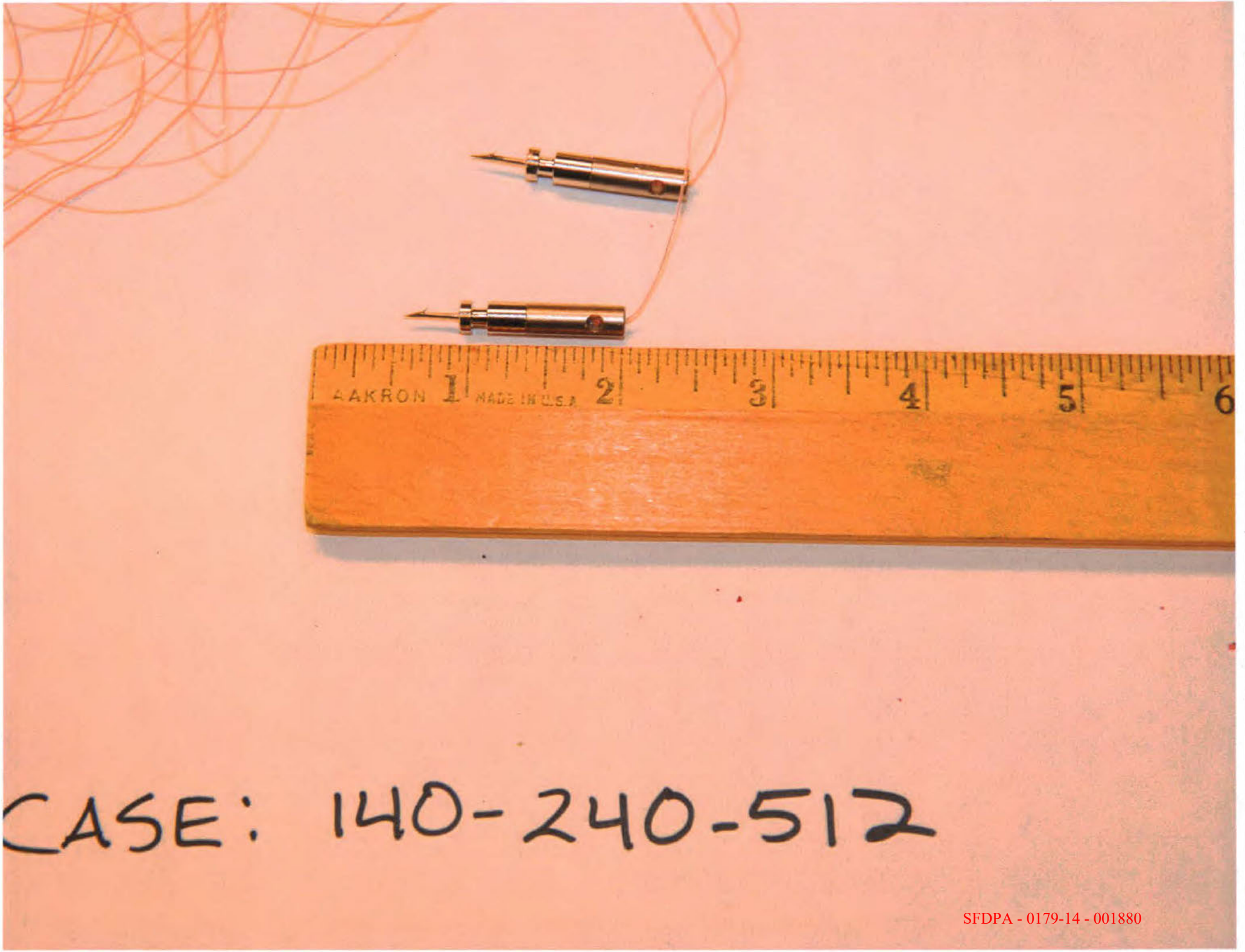


CASE: 140-240-512

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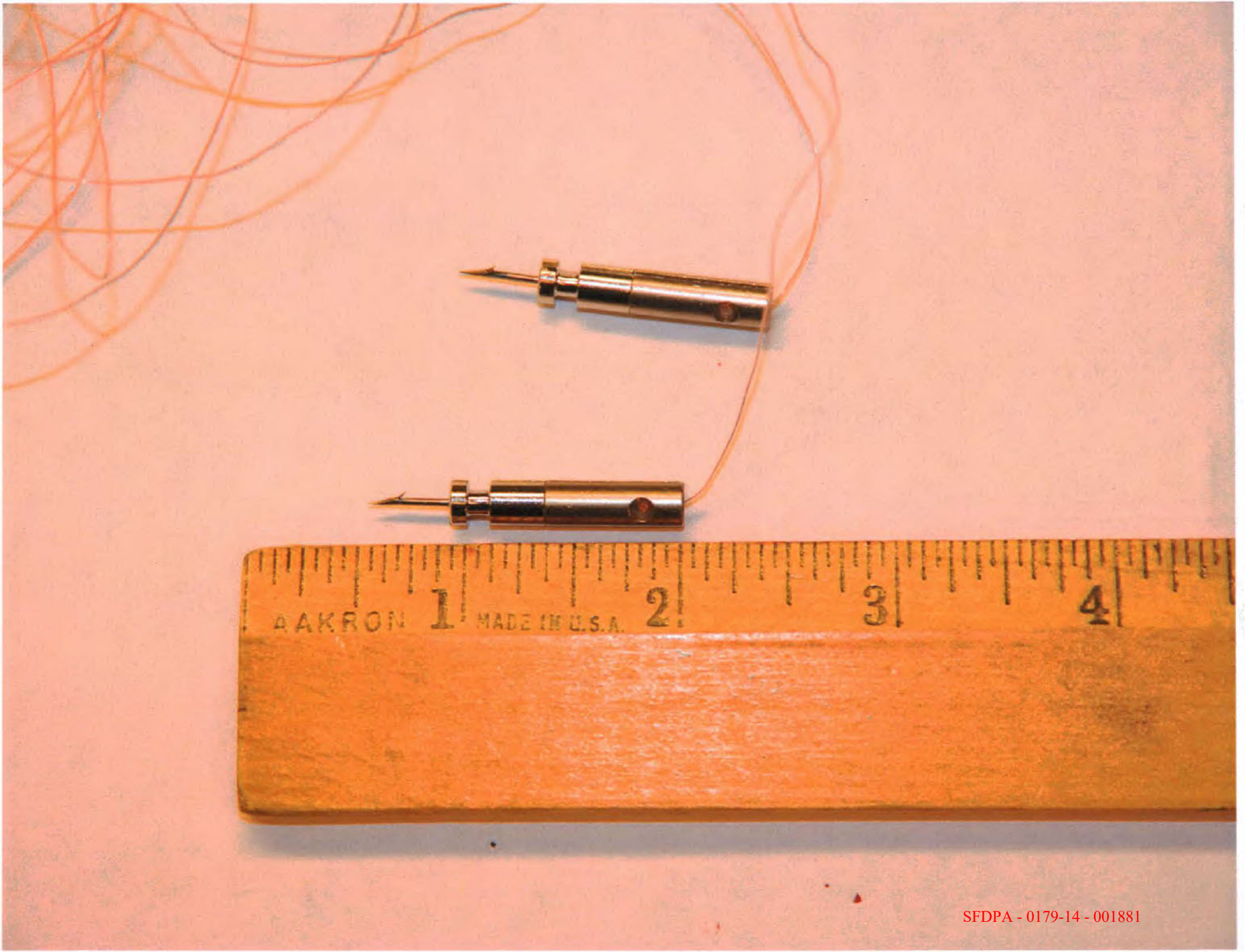


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CASE: 140-240-512

SFDPA - 0179-14 - 001880



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DETAIL: OIS

CASE: 140-240-512

MEO #:

DATE CREATED: 03/22/14

TIME: 1800

SUBJECT / NAME:

LOCATION / ADDRESS: CSI

ADDITIONAL INFO:

CREATED BY: RODELAS

STAR: 729

MEDIA:

IMAGES:

THIS ENVELOPE IS FOR SAN FRANCISCO POLICE DEPARTMENT MEDIA

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SFDPA - 0179-14 - 001883



240-513

SFDPA - 0179-14 - 001884



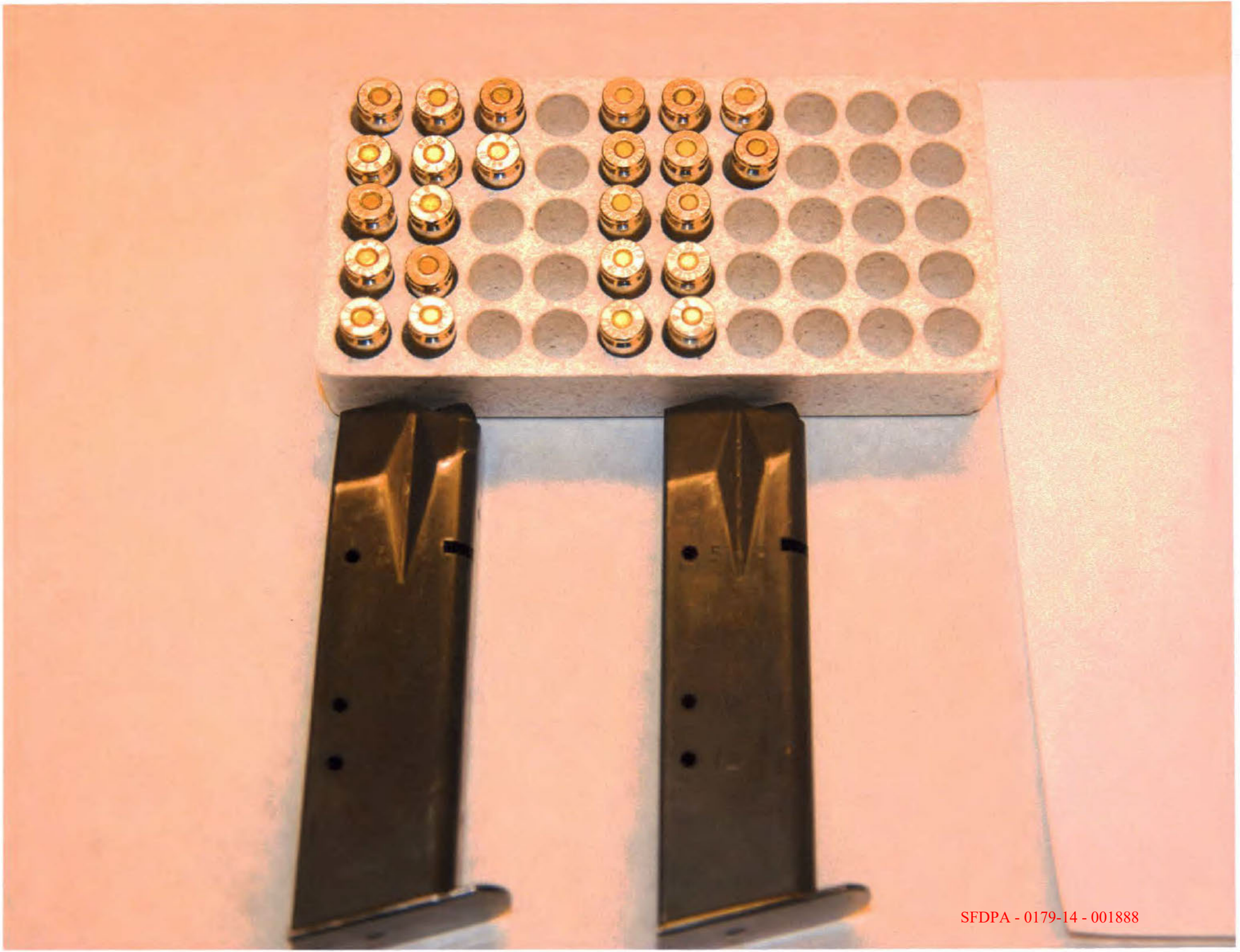
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CASE: 140-240-512 / SGT SAWYER #1127

SFDPA - 0179-14 - 001903



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SFDPA - 0179-14 - 001908


CA
SFDPA - 0179-14 - 001909



SFDPA - 0179-14 - 001910


FEDERAL
SFDPA - 0179-14 - 001911


SFDPA - 0179-14 - 001912



CASE: 140-240-512 / OFFICER SCHIFF #1968

SFDPA - 0179-14 - 001913



SFDPA - 0179-14 - 001914



SFDPA - 0179-14 - 001915



SFDPA - 0179-14 - 001916



SFDPA - 0179-14 - 001917

December 18, 2014

Gregory P. Suhr, Chief of Police
San Francisco Police Department
Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 525
San Francisco, CA 94103

RE: OCC Case No. 0179-14 – Notice of Potential Sustained Allegations 3304 Date – March 26, 2015

Dear Chief Suhr:

This letter serves to inform you that while the investigation is still in progress for this officer-involved-shooting case, the potential exists that OCC may sustain the following allegations against the following members:

a. Lieutenant Jason Sawyer #1127 for (1) Unnecessary Force for excessive force against Alejandro Nieto, (2) Neglect of Duty for failure to properly investigate, and (3) Neglect of Duty for failure to take required action, and

b. Officer Richard Schiff #1968 for (1) Unnecessary Force for excessive force against Alejandro Nieto, (2) Neglect of Duty for failure to properly investigate, and (3) Neglect of Duty for failure to take required action, and

c. Officer Roger Morse #1923 for (1) Unnecessary Force for excessive force against Alejandro Nieto, (2) Neglect of Duty for failure to properly investigate, and (3) Neglect of Duty for failure to take required action, and

d. Officer Nathan L. Chew #2088 for (1) Unnecessary Force for excessive force against Alejandro Nieto, (2) Neglect of Duty for failure to properly investigate, and (3) Neglect of Duty for failure to take required action, and

e. ID Pending for (1) Neglect of Duty for failure to take required action, (2) Unwarranted Action for the search of Alejandro Nieto's room, and (3) Unwarranted Action for the tow of Alejandro Nieto's car, and

f. ID Pending for (1) Conduct Reflecting Discredit for inappropriate behavior, (2) Neglect of Duty for writing inaccurate report(s), and (3) Conduct Reflecting Discredit for misrepresenting the truth.

The incident that gave rise to the allegations is summarized below.

Complainant [redacted] and co-complainants [redacted] filed a complaint with the OCC in March 2014, regarding an incident that took place on Friday, March 21, 2014 at approximately 7:00 p.m. at Bernal Heights Park, where Alejandro Nieto was shot and killed by members of the SFPD.

Due to workload priorities and delays in gathering evidence from several investigatory agencies, the OCC was not able to complete a Sustained Report within nine months of receiving the complaint. We recognize that when this occurs, this office should provide you with this notice at least ninety days prior to the one-year statute of limitations date. We anticipate that the completed Sustained Report will be forwarded to you once we complete our investigation.

In order to facilitate your review of this investigation, please find the enclosed evidence in this case. The evidence is attached as follows:

- OCC Complaint filed by [redacted], dated March 26, 2014
- OCC Complaint filed by [redacted], dated March 27, 2014
- OCC Complaint filed by [redacted], dated March 28, 2014
- Incident Report No. 140240512, dated March 21, 2014
- Event History Detail No. 140802955, dated March 21, 2014
- OCC Recorded interviews:
    a) Complainant [redacted], dated March 26, 2014
    b) Co-complainant [redacted] dated March 26, 2014
    c) Co-complainant [redacted] dated March 26, 2014
    d) Co-complainant [redacted], dated March 27, 2014
    e) Co-complainant [redacted], dated March 27, 2014
    f) Co-complainant [redacted], dated March 27, 2014
    g) Co-complainant [redacted], dated March 27, 2014

h) Co-complainant [redacted], dated March 28, 2014
i) Co-complainant [redacted], dated March 28, 2014
j) Co-complainant [redacted], dated March 28, 2014
k) Witness [redacted], dated March 27, 2014
l) Witness [redacted], dated September 8, 2014
m) Witness [redacted], dated September 8, 2014

Please let me know if you require more information to expedite your review of this matter. Helen Calderon is the assigned investigator and can be reached at (415) 241-7711. Her supervisor is Acting Senior Investigator, Sherry Fletcher, who can be reached at (415) 241-7737.

Very truly yours,

Joyce M. Hicks
Executive Director

Enclosures
cc: Captain Christopher Pedrini, Risk Management Office

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: [redacted]

INTERVIEWED BY: **INVESTIGATOR HELEN CALDERON**

DATED: **MARCH 28, 2014**

Q: INVESTIGATOR HELEN CALDERON

A: [redacted]

Q: Okay this interview is regarding OCC case number 179-14. It's taking place on Friday March 28 of the year 2014. Conducting this interview is Investigator Helen Calderon. The complainant is [redacted]. [redacted], do I have your permission to tape record this interview?

A: Yes.

Q: Okay. So I'm required to read the acknowledgement of the complaint. It says that you have the right to make a complaint against a police officer for any improper police conduct. California law requires this agency to have a procedure to investigate citizen complaints. You have a right to (inaudible). This agency may find, after investigation, that there is not enough evidence to warrant action on your complaint. Even if that is the case you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints and any reports or findings relating to complaints must be retained for at least five years. It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you could be prosecuted (inaudible). Do you understand what I just read?

A: Yes.

Q: Okay. So please tell me, what occurred and what is your complaint?

A: As I understand Alejandro Nieto was shot and killed by the SFPD on Bernal Heights Park on March 21st. It was a Friday in the evening around 7:11-7:14 something like that. And from everything that we have been able to see in the past my complaint is that there was an excessive use of force and I believe that – yes, an excessive use of force used in Alejandro's case. Unnecessary and his death was unnecessary.

Q: Okay.

A: And I have a second complaint, but I don't know if it's in the same, if it's under the same.

Q: Is it for the same incident?

A: Yes.

Q: Okay.

A: Well it's a follow up, the way the police has been managing public communication around Alejandro. They appear to be tainting his character with irrelevant facts and that is the second complaint.

Q: Okay so painting his character. Okay so can you give me an example of what you're referring to?

A: For example, the police officer at the – the Chief of Police at the town hall meeting, mentioned that Alejandro had mental illness that didn't allow him to purchase a weapon. That is completely irrelevant to the facts because the police officers did not know who they were meeting up in the hill. And he's stigmatizing for one, mental illness, that was equivalent to a public threat. And also he's trying to create an inference that Alejandro would have bought a weapon had he been able to. So he had, he's creating, he's drawing into the public's mind facts that are irrelevant to the case just to taint Alejandro's character. And also stigmatize people with mental illnesses. And he also doesn't clarify what the incident of mental illness is so it could have been that Alejandro had an episode when, about what? So that's one. The other thing is that he also mentioned in the meeting that there, a red jacket was seen. But he said a witness said so. But he doesn't clarify whether a red jacket was found. Whether the police officers knew this before they went up the hill or after they went up the hill. And so therefore creating another inference that he was a gang member when Alejandro wasn't. A third incident of this type - let me see I made a note. Hold on a sec. Oh he keeps on mentioning that there is a restraining order on Alejandro, and it's come to light that this is possibly, well this might be the case. This might

be a lover's quarrel and it also might be a question where Alejandro (inaudible) this person and also has had a restraining order on this person but he did not clarify this even though he was asked at the town hall meeting. So he's again tainting Alejandro's character as a violent man assuming that the restraining order was placed for even such a situation without clarifying the circumstances. It is now in the press that [redacted], [redacted] with the restraining order considers him an excellent person. Considered Alejandro an excellent person. So those are the types of facts being brought to life that are trying to taint his character.

Q: So the [redacted] who put the retraining order considers Alejandro a what?

A: An excellent person. It was in the SF Bay Guardian that she was called to – they asked [redacted] what does [redacted] (inaudible) about the restraining order. But [redacted] did not speak to that, but [redacted] said that he was always a good person to [redacted] and an excellent person.

Q: All right. Anything else?

A: We, I also think that the police has been very cagy about providing the public information. For example, they haven't even said how many rounds were shot. And the medical report isn't out yet, but they could tell us just on the basis of checking the magazine -- the magazines for those guns how many shots were fired by those officers. So there's a lot of information that is not being made public that should be made public to clarify the circumstances. And also mention another thing taints the case in the public mind and it's unclear and it's part of my complaint about the police is that they keep – in the town hall meeting they referred to the officers having seen a laser, a laser dot. So one of the first things is that he says that, one, he mentioned that once a taser is removed from the holster it emits a laser dot. And so at that moment the police knew that it was a taser. And so they had no reason to use violent force on Alejandro. A taser, it's my understanding it can only reach like 15 feet. And police should know this. It should be part of their training. And they were 75 feet when they took shots at him

according to the town hall meeting information. Even if they had been, they couldn't see as they said or whatever. I actually don't believe that Alejandro drew his taser.

Q: Why do you believe that?

A: What makes me believe that?

Q: Did you know him?

A: I knew Alex. Not very well but I knew him (inaudible) and he was always a very peaceful kind person. Even my first conversation ever with him was we talked about how violence was represented in the literature and he let me know that he was a Buddhist. And that was his identity even from the first moment I met him.

Q: Okay.

A: And I realize that there is another moment where (inaudible) facts, actual facts. The police fliers that were posted on Bernal Heights Park after the shooting that were by the police which were requesting witnesses to come forward. And these fliers describe a man who was behaving erratically and also said that he had a variety of weapons on him. But the facts of the police at the town hall meeting do not at any point represent a man who was behaving erratically, and they also know, as a fact that the only weapon on him was a taser. So they're trying to create an image of a man behaving erratically with a variety of weapons which is absolutely incorrect according to the same facts that they presented at the town hall meeting. And I brought this up at the town hall meeting asked when these police fliers would be corrected, and I got no response.

Q: Okay so the fliers were put out by SFPD?

A: Yes. I could even try to go up there today to see if they're still up and send you a picture.

Q: Okay.

A: I also wrote down a series of questions that if you want I could send to you by email.

Q: Questions about (inaudible)

A: No about all these outstanding questions that I, that – I mean have been asking how many 911 calls were there actually. You know what did the caller say to (Inaudible) such. You know how they kind of say, we have all this information like why was Alex approached in military style tactics if you know they knew that force was gonna be used wasn't a supervisor supposed to be with them. I mean use a loud-speaker megaphone to communicate with Alejandro. Did Alejandro ever acknowledge being approached by police if he actually even see him. Was he facing them? We don't know any of this. And so these are all concerns that I, that people are having and that I'm having.

Q: All right okay. Anything else before I conclude the interview?

A: No, I think that's all. I guess I just wanted more information on the process on like the next steps.

Q: All right if there's nothing further, I will conclude the interview. It's 10:50 AM. I'm going to turn off the recorder.

END OF INTERVIEW

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

--o0o--

I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 7, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 001927

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: [redacted]

INTERVIEWED BY: **INVESTIGATOR CALDERON**

DATED: **MARCH 26, 2014**

Q: INVEESTIGATOR HELEN CALDERON

A: [redacted]

Q: This interview is regarding OCC case number 179-14. Taking place on Wednesday March 26th of the year 2014. Conducting this interview is Investigator Helen Calderon. The complainant is [redacted]. [redacted], do I have your permission to tape record this interview?

A: Yes, you do.

Q: And I'm required to read the acknowledgement of the complaint form. It says that you have the right to make a complaint against a police officer for any improper police conduct. California law requires this agency to have a procedure to investigate citizen complaints. You have a right to (inaudible) description of this procedure. This agency may find, after investigation, that there is not enough evidence to warrant action on your complaint. Even if that is the case you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints and any reports or findings relating to complaints must be retained for at least five years. It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you could be prosecuted on a misdemeanor charge. Do you understand what I just read to you?

A: I do.

Q: Okay. I'll send you a copy of that in the mail along with a copy of your complaint form. I just need you to sign that and return it to us. Okay so please tell me what your complaint is about. What you were doing prior to your contact with the police and then what is the complaint?

A: Okay so the first question was what my complaint was about, right?

Q: Yes, uh-huh.

A: My complaint is about I am afraid that the police, our police department, has lost their professionalism in policing my neighborhood. I believe there is room for improvement, room for growth and no room for excessive force used to any and all of my neighbors.

Q: Okay.

A: Any other questions?

Q: Well, is there a particular incident that you're complaining about?

A: Friday.

Q: Uh-huh. But just I want to hear like in chronological order like what is –

A: Friday.

Q: (inaudible) the incident and then (inaudible)

A: Friday at 7:10, a long-time resident that was raised right here in this neighborhood, in Bernal Heights, Bernal Hill, San Francisco, California, was gunned down by two policemen with a total of 14 .40 caliber bullets for the reason of mistaken identity. Nieto was-

Q: What is his name?

A: Nieto. N-i-e-t-o.

Q: Uh-huh

A: Had a ritual on Fridays. He would go to the hill, sit on a bench, have his dinner and then proceed to go to work to [redacted] on [redacted] in San Francisco where he worked as a security guard. He carried a taser with him and on that night one of my neighbors was alarmed by seeing a holster tied around his waist that carried the taser that was required for him to do his job. Neighbors thought it was a gun. Neighbor calls the police. Neighbor -- don't know what the neighbor told the police, but the police runs up the hill, or comes up the hill. Approaches Nieto. Shot him dead. That is my complaint.

Q: Okay now let's start off with okay so Friday. Did you witness this incident?

A: No. Did not.

Q: Okay how did you become aware of (inaudible) become aware of the incident.

A: I actually heard the gunshots, but I did not know they were gunshots. I, you know, I thought they were fireworks. I don't know the difference between a gunshot and a fireworks. I do now but at that day I didn't.

Q: Okay.

A: So then I hear you know an army of sirens going past my house. You know one squad car after another squad car after another squad car. And then they got the fire department, you got the paramedics. And they've got the area taped off and they're not letting anybody go up there. We don't know what happened. We don't know anything of what happened. And we didn't find out any details until you know Monday and even more details Tuesday. But that's how I, last night at the town hall meeting is how I got all the details of what actually happened on that day.

Q: Town meeting?

A: The town hall meeting yeah.

Q: Town hall.

A: Town hall meeting. Is it too fast?

Q: I'm sorry you got all the details there you said?

A: That's where I got the details, correct yes.

Q; Who was giving the details?

A: The Chief Greg Suhr and the family members of Nieto.

Q: Okay. So you knew this the victim Nieto?

A: I did not know him no.

Q: So how did you know his ritual of going to have his dinner on the bench?

A: Okay so, there's a – this kid that I grew up with on the block who he was close to and he mentioned it to me yesterday when I saw him at this town hall meeting.

Q: Oh okay all right. Okay so you didn't witness the incident, so you really don't know what happened. You only became aware because you heard – you knew something went on because you heard the patrol cars and all that, but it wasn't until you went to the meeting yesterday?

A: That's correct.

Q: Okay. All right. Let's see. Okay so you said that some of the information was given from the Chief and some of it from the family members. Is that right?

A: That's right.

Q: Okay. Complaint is against the officers use of excessive use of force. Okay.

A: Correct.

Q: Anything else before I conclude the interview?

A: Which-

Q: Do you know who was the neighbor that called the police? Do you know her or hm?

A: Well, unfortunately, I don't know his name but now I know who he is because he stepped up to the plate yesterday. But I'm sorry I don't know his name.

Q: Oh okay. All right.

A: I can get it.

Q: Anything else before I conclude the interview?

A: I could tell you yeah basically excessive force by the police.

Q: Okay all right.

A: That's really what this is about. I hope you get more calls. I really do. I'm calling my friends okay.

Q: All right if there's nothing further I will conclude the interview. The time is approximately 11:26 AM and I'm gonna turn off the recorder.

END OF INTERVIEW

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

--o0o--

I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 6, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 001933

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: [redacted]

INTERVIEWED BY: **INVESTIGATOR HELEN CALDERON**

DATED: **APRIL 2, 2014**

Q: INVESTIGATOR HELEN CALDERON

A: [redacted]

Q: Okay this interview is regarding OCC case number 179-14 It's taking place on April 2, of the year 2014. Conducting this interview is Investigator Helen Calderon. The complainant [redacted]. [redacted], do I have your permission to tape record this interview?

A: Yes, you do.

Q: Okay. So please explain what your complaint is about and what allegations you have against the police.

A: Okay. This complaint, as indicated, arises out of the death of Alejandro Nieto at the hands of the San Francisco Police officers. The officers used an excessive amount of force in shooting Mr. Nieto to death. The officers used improper and deficient tactics in investigating the call that they were responding to. And then ultimately the force that they used against Mr. Nieto. And the officers did not make the proper -- what's the word I'm looking for. Did not make the proper plans and accommodations for Mr. Nieto's medical emergency which arose out of his shooting by the SF Police Department officers.

Q: Okay and can you expound on the last one that you said about the officers did not make proper-

A: Medical?

Q: And accommodations for the medical emergency?

A: Yes. I don't have any information that the officers made provisions for medical treaters or medical providers to have been staged on scene. Given the nature of the call that they were responding to and what their training would indicate that they would possibly be confronted with and deal with and the outcome of it, meaning a person with a gun that they may respond to with force and therefore either the officer or that person would need medical emergency, emergency

medical treatment. So that should have been staged, meaning they should have been on scene or thereabout. The officers should have made a request for medical to have been on scene or thereabout or on route as they responded to this call.

Q: Okay. Anything else that -- hello?

A: Go ahead, I'm sorry.

Q: Yes, I said anything else in the complaint?

A: No, that's it.

Q: The only other thing that I see in your written complaint that you haven't mentioned is you wrote falsified official reports to cover up the misconduct.

A: Yes, my apologies. Do you need me to say out loud or?

Q: Expound on like -

A: Well my understanding is that the officers have attempted to justify the use of force that they used against Mr. Nieto because -- and that is an attempt in our opinion to cover up, to justify and/or excuse and explain away their misconduct. And if they'd done that which is my understanding, in official police reports and records then that's falsifying records which are sworn testimony under, and that they should not be doing, so.

Q: Okay. And have you seen any official reports and records?

A: Well, we've been provided information regarding the shooting from SF Police Department so if that, my understanding is the information that was provided has been derived from the statements that the officers had made.

Q: Okay.

A: So unless the chief and other SF Police Department officials are making stuff up out of their own mind then they got this information from the officers. So, you know, that's the information we have.

Q: Okay. Alright, anything else in regards to your complaint?

A: No.

Q: Okay. If there's nothing further I will conclude the interview. The time is approximately 4:12 p.m. I'm gonna turn off the recorder.

END OF INTERVIEW

SFDPA - 0179-14 - 001937

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

--o0o--

I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 5, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

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IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 001938

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: [redacted]

INTERVIEWED BY: **INVESTIGATOR HELEN CALDERON**

DATED: **MARCH 26, 2014**

Q: INVESTIGATOR HELEN CALDERON

A: [redacted]

Q: Okay this interview is regarding OCC case number 179-14 taking place on Wednesday, March 26th of the year 2014. Conducting this interview is Investigator Helen Calderon. Complainant is [redacted]. [redacted], do I have your permission to tape record this interview?

A: That is fine.

Q: Okay. And I'm required to read the acknowledgement of the complaint that says you have the right to make a complaint against a police officer for any improper police conduct. California law requires this agency have a procedure to investigate citizen complaints. You have a right to (inaudible). This agency may find, after investigation, that there is not enough evidence to warrant action on your complaint. Even if that is the case you have the right to make a complaint and have it investigated if you believe and officer behaved improperly. Citizen complaints and any reports of findings related to complaints must be retained for at least five years. It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you could be prosecuted (inaudible). Do you understand what I just read?

A: Yes.

Q: Okay. So please tell me what occurred and what your complaint is?

A: What occurred is that the, some officers shot down one of my friends in Bernal Heights Park on March 21st at approximately 7:00. And I would like to file a complaint against them because of the use of excessive force and I would like a full-on investigation regarding this incident.

Q: Okay and were you present for the incident?

A: I was not.

Q: Okay and what is your friend's name?

A: Alejandro Nieto.

Q: Okay and how did you know?

A: I've been a friend of his for approximately two years.

Q: And where did you guys become friends?

A: His place up on [redacted]. He was a security guard at El Toro nightclub.

Q: Okay. Alright so just, were you a patron of the club or do you work there?

A: No. No, I was a patron there and I also knew him outside of there.

Q: You what?

A: I also knew him outside of there.

Q: Oh. Okay and do you have any other information to the incident, why you believe it's excessive force?

A: I believe that there was excessive force because the way that they approached him. He was a guard, he was, had a taser and they shot him. And I was at a town hall meeting last night where they, where Chief Greg Suhr specifically stated that they approached him 75 feet away and also the stun gun that he had, it only really shot 50 feet. So they had about 25 feet difference and I believe that that should be investigated.

Q: Okay so town hall meeting.

A: (Inaudible).

Q: You're saying that officers were five feet away from him? From the victim?

A: No, they said 75.

Q: Oh, 75.

A: Feet.

Q: Away and you're saying, what did you say about the 50 feet?

A: The stun gun that he had only shot 50 feet away, so they had a 75-foot difference.

Q: Oh.

A: Of distance.

Q: Okay, alright, anything else that you think is important?

A: Not at the moment but I will call you back if I think of anything. Can you give me the report number one more time, please?

Q: This is the OCC case number is 179-14. So I'll send you a copy of your complaint in the mail and you should get it in about two to three weeks.

A: Okay, in about 10 weeks you said?

Q: No, no, two to three weeks.

A: Two to three weeks?

Q: Yeah. Alright well if there's nothing further in your complaint I will complete the interview. The time now is approximately 2:37 p.m.

END OF INTERVIEW

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

--o0o--

I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 5, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 001943

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: [redacted]

INTERVIEWED BY: **INVESTIGATOR CALDERON**

DATED: **MARCH 29, 2015**

Q: INVESETIGATOR HELEN CALDERON

A: [redacted]

Q: Okay this interview is regarding OCC case number 179-14. It's taking place on March 29th of the year 2015. Conducting this interview is Investigator Helen Calderon. The witness being interviewed is [redacted], do I have your permission to tape record this interview?

A: Sure.

Q: Okay please tell me what you observed on March the 21st of the year 2014 at Bernal Heights Park. Tell me what you were doing and then prior to your observations of the incident and what happened?

A: And just to be completely clear, this is the Alex Nieto issue, right?

Q: Yes uh-huh.

A: In any event yeah, I went to walk my dog. I go up there frequently. I live in the neighborhood and I go up there almost every day, either in the morning or the evening. And in this case I went up there in the evening. And it was a pretty cold brisk evening. I was walking down the long slope, the hill on the north side. I guess it's the northside of the park. And there was nobody out. I mean it was sort of noteworthy that I didn't see anyone. I usually run into people as I walk my dog. And as I went down the slope I did see one person. And that turned out to be Alex Nieto. And as I approached he was eating a burrito. He was by the benches. There's several sets of benches along that roadside and he was eating a burrito near one of them. And my dog smelled his food and went running, she didn't begin to go running toward him, but she started toward him. And sort of simultaneous to my dog becoming interested in this man's food, I noticed that he had what I thought at that time was a gun on his belt. And of course we all know now that it was a taser, but as far as I was concerned I was looking at a fellow with a gun on his

belt. So I just immediately started calling my dog, because I was afraid oh maybe this guy would be paranoid to have a dog coming up, you know coming close to him while he's got a gun. So I call my dog and my dog responded and I grabbed her ,and I walked away. The thing that I told, I talked to the, I guess you got my number because I called 911 after the shooting started. I didn't call them until I was some distance from the place, so I didn't see the actual shooting.

Q: Uh-huh.

A: But in any event as I said to the police when I talked to them later, Alex Nieto was just staring out over the city eating his food. I didn't see you know I've certainly read all of these comments in the newspaper and stuff about him acting erratically and all of that. But I didn't actually witness that. He was, you know, I also didn't have any interaction with him because

Q: Oh okay.

A: Because my dog kind of preempted that. I was kinda, when I saw there was a guy standing there with a gun I thought you know I was curious enough that he seemed calm enough and he didn't seem belligerent that I thought I was, I almost asked him why do you, you know what's the deal with the gun. It was in a holster.

Q: Uh-huh

A: It was not in his hand. But because my dog ran up to him I didn't, I never exchanged words with him. I just yelled for me dog. Got my dog and put her on a leash. Actually did I have my own leash? I can't remember if I put her on a leash or I just like said go. Sort of made her follow me down the hill. So I walked quickly down the hill. And when I got another 100 yards down the hill from where Alex had been standing, I made a left turn off the road there's a path that goes down from this, the road that's inside the park which has no traffic, down to Stoneman Street. So I walk, I cut through the park there down to Stoneman Street and as I just made that left turn there were a couple of guys, a couple of you know approximately 30-year-old guys. They were both white as far as I remember.

Q: Uh-huh.

A: Who were sort of like squatting. One of them was certainly squatting the one I talked to. And they, the guy said to me, "did you see the guy with the gun?" You know and I said, "yeah I saw the guy with the gun." And he's like "we called the cops." I said, "well I guess that's what you should do." But I said I don't even know if that is even illegal – at that time I didn't even know if it was illegal to have a gun in a holster because I had heard about all these people who go to Starbucks and doing all of this Second Amendment nonsense. So I thought, I thought well maybe, you know. Anyways, so I had this really brief conversation with one of those two guys who were dog walkers and they both had leashes with dogs. And I remember there was a bulldog. For some reason I remember this big fat bulldog.

Q: Uh-huh.

A: But they had other dogs as well. And I just continued on my way and I cut down to Stoneman Street about very close to Shotwell. Corner of Shotwell.

Q: Uh-huh.

A: And I heard the shooting. You know this rapid fire shooting. And I looked up the hill and I saw the legs of one of the dogwalkers cuz he was wearing shorts.

Q: Uh-huh.

A: I saw his legs running down the hillside. And I of course thought oh the guy I saw earlier with the gun was shooting people, right? That's what I thought right.

Q: Oh uh-huh.

A: So I ran around the corner and down Shotwell Street, so I was out of the line of any possible stray bullet and I called 911.

Q: Okay.

A: And at that point I called 911 and the woman answered. I said there's somebody shooting. Could you see, what can you describe the person. I told her precisely what he was

wearing. He was wearing a red 49er jacket. He had a 49er hat on. He had black slacks. I said he was about 30 years, no I said he's about 25-26 years old. Anyway she said oh there's officers on the scene she announced to me in the midst of this conversation.

Q: Okay.

A: So that kind of ends my witnessing of everything. That's everything that happened. After that I went home and I assumed until late that night when I went online and looked at SF Gate that there had been someone shooting at people on Bernal Hill, which turned out to be, yeah someone was shooting at people at Bernal Hill, but it was the police that were shooting the guy. It's not the way I thought it was originally. So that's kind of my whole story.

Q: Okay. So no exchange with him?

A: No, I regret it you know-

Q: (inaudible)

A: I wish the heck I had talked to him because if I had you know maybe, you know, maybe none of this non, maybe this would have been – but anyway no I did not speak with him.

Q: Okay.

A: I just you know.

Q: And at the time you said he was eating a burrito.

A: Yeah.

Q: Sitting on a bench?

A: No, he was standing.

Q: Oh.

A: He was standing. And he was

Q: (inaudible) Okay.

A: As I approached him he wasn't facing me. He was looking out over the city. He was like looking toward trying to get my direction straight. I think it would mean he was looking kind of

west or northwest. You know he was sort of looking northwest over the city eating his, you know typical burrito with foil around it. You know.

Q: Uh-huh.

A: And peeling off the foil and eating his burrito. That's the guy I saw. I never made eye contact with him. I never spoke with him. And yeah that's what happened.

Q: Okay. All right and the two guys that you ran into at the time you said they were Sheldon Street? Is that where you ran into them?

A: No, they were, I don't know – have you been up there? do you know how the layout of the place is?

Q: Yeah uh-huh.

A: There's a what used to be many years ago Bernal Heights Boulevard is closed to traffic.

Q: Uh-huh.

A: It's just a walking street now.

Q: Right uh-huh.

A: That's where I saw Alex Nieto on the side of the rode and a 100 yards further down the road going towards Folsom I made a left turn.

Q: Uh-huh.

A: There's a – there's a bunch of little, there's some little steps there. Wooden, they're, there's a trail of wooden steps.

Q: Uh-huh.

A: I made a left there. And that's where I ran into those guys. They were hiding behind the trees.

Q: Oh okay uh-huh.

A: They were so-

Q: Cuz there's like a dirt path that leads

A: Yeah there's a dirt path. Exactly

Q: Down the hill on the side.

A: Yeah .

Q: Is that where you're referring to?

A: Yeah.

Q: Where those trees are?

A: Absolutely.

Q: Oh okay.

A: And that's where I saw the dog walkers who were you know clearly like -- you know my whole perception of it was that they had seen somebody. I don't know what they – I don't know if they personally felt threatened or if they were just being, if they were just acting out of Good Samaritan. I don't know where they coming from, but they were clearly very concerned that there was a man with a gun on the hill. And because the very first words out of the guys mouth, "did you see the guy with the gun?" You know so that's where they were coming from.

Q: Okay.

A: And I know that they had called, they told me they called the police.

Q: Okay all right. And then you said that you were on Stoneman Street almost near Shotwell when you heard the shots?

A: Yeah Stoneman Street it's called, Stoneman near Shotwell. Yeah definitely.

Q: And can you describe, if you can, what – what sound you heard or?

A: Oh the sound of the shoot – it was rapid, rapid fire gun shots. And I – you know it's been so much time now that I think it was two volleys.

Q: Uh-huh.

A: But it, that was my you know I'm a little – you know what I remember now after all this time-

Q: Yeah.

A: duh, duh, duh – duh, duh, duh. You know and with the echo. There's the echo afterwards too you know. (inaudible) you know.

Q: Yeah.

A: I remember, what I remember is telling somebody that I thought there were like 12 or 13 shots. But apparently from what I read there were more but that's what my, my impression

Q: Yeah just tell me what you remember.

A: Yeah my impression was there was like 12 or 13 shots, something like that.

Q: Okay.

A: That would've been my guess you know if someone asked me.

Q: Okay all right. Okay and is there anything else that you think is important?

A: Well-

Q: (Inaudible) cold brisk evening.

A: Sorry?

Q: You said it was a cold, brisk evening?

A: Yes, it was. It was cold and kind of windy.

Q: Windy okay-

A: It was, you know, it was noteworthy it was 7 something. It was noteworthy that there was no other dog walkers out. That was, and it was after all this happened. And I thought oh, did like – did they all like leave the area because they saw the guy with the gun. Is that what it was or was it just because it was cold.

Q: Uh-huh.

A: That people were not there because, you know, I go up there so frequently and it's unusual not to see somebody

Q: Uh-huh.

A: So-

Q: Was the sun out?

A: Was the sun out?

Q: Uh-huh.

A: Well it was still light. It wasn't – it was yet not – it was maybe beginning to get dusky you know but-

Q: So, it was still light out?

A: You know but it was not bright out. It was not bright.

Q: Okay. It was kind of, you know, there was like, you know, a swirling mist. You know kind of foggy kind of, you know, that's the kind of, your typical San Francisco.

Q: Uh-huh.

A: You know kind of atmosphere.

Q: And do you remember who you spoke to? Was this (Inaudible) regarding (inaudible) incident?

A: Yeah I talked to the guy who called me back was, what's his name. He's got, Cagney from the Police Department.

Q: All right.

A: A memorable name because he, you know, it's like instead of James Cagney it's John Cagney.

Q: Uh-huh. Anyone else?

A: So I talked to him. No, he's the only person I talked to with regard to this. He called me very soon after this, like possibly the next day or maybe two days later.

Q: Okay hum.

A: And then he called me again.

Q: Uh-huh.

A: Long time after this to, I'm trying to – it was in December and he called me to -- it's weird now I'm trying to put it together in my mind. What he, because the news had – there had been news about possibility of witnesses being named in the press or something like that.

Q: Uh-huh.

A: He called me, I thought he called me about that. I missed, I played phone tag with him and eventually I called him back.

Q: Uh-huh.

A: And I, I was asked, I don't remember what I asked him because I was asking him about, is my name gonna be in the paper about this thing. You know and he's like no, no it's just the officers that are gonna be named. And so I don't even, in a way, in retrospect, if he said that I don't really understand why he was calling me. But anyway, that was the second time I talked to him was, I was at SFO. It was literally like December 27th or something like that. I took a flight that day. So anyway.

Q: Okay thank you so much for your time. And if there's nothing further, I will conclude the interview. The time is approximately 3:15 PM. I'm gonna turn off the recorder.

END OF INTERVIEW

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

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I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 11, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 001954

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: [redacted]

INTERVIEWED BY: **INVESTIGATOR CALDERON**

DATED: **MARCH 27, 2014**

Q: INVESETIGATOR HELEN CALDERON

A: [redacted]

Q: Okay this interview's regarding OCC case number 179-14. Conducting this interview is Investigator Helen Calderon. Today is Thursday, March the 27th, the year 2014. And witness is [redacted]. [redacted], do I have your permission to tape record this interview?

A: Yeah, okay.

Q: Okay, so please tell me what, what occurred on March the 21st, the year 2014, and what you observed.

A: Okay. First, my, my actual name is [redacted]. I go by [redacted]

Q: [redacted], [redacted]?

A: [redacted], [redacted]. [redacted], [redacted].

Q: Okay.

A: [redacted]. Okay so Thursday, or Friday, the 21st of March, I had a business appointment in my house. [redacted], we spent a good hour talking. We were done. We, I, we decided to go out and get some air. Take the dog for a walk around Bernal Hill, which I do about twice a day, every day. And, since I've lived here for over 20 years. We were headed toward the park, and we came up to the intersection of Esmerelda and I think it's Precita Boulevard. But a woman, a neighbor who I recognize said there's a man with a gun on the hill. And so, we decided to change direction and go down Peralta Street to towards Ripley down the steps, the Peralta steps to go down to, to Precita Park instead of Bernal Heights Park. On the way heading down one block down Peralta, now it's probably about 7:05, 7:06 right now. We stop at the top of Ripley Street at the intersection of Ripley and Peralta where we decided to stop and see what was, if we could see what was going on in the park. So, I'm there with [redacted] who is from out of town and then two other neighbors came over and said, did you hear there's someone

in the park? The four of us stood from that vantage point and we saw, it was pretty quiet. Then we saw a patrol car racing up the, the road at that has accessed by gate on the North side of Bernal Hill. Police car raced up the road about two thirds the way up the road, stopped. And then about 90 seconds later, there was a, a lot of gunfire. It sounded like multiple guns. It sounded like they're all the same caliber. There was no preceding fire, no return fire. And but, from our distant vantage point we didn't see any details of the interaction between the officers and the person who was shot. And we didn't see the person who was shot. We could not see if they drew a weapon. I saw no light from a laser or any other light. We just heard the gunfire and then saw about a dozen officers on foot then swarm up the hill into the area. Let me look at my notes here and see if I have anything to add to that. At that time, I noted 20 to 30 shots, was the best guess, best guess. My guess was that they were nine-millimeter. I'm somewhat familiar with handguns. (inaudible) and the next thing that happened was the ambulance. Well that's pretty much the sum and substance of what I saw and heard.

Q: Okay, so from your vantage point from, you said Ripley and Peralta, right?

A: Correct.

Q: Can you describe the lighting at that time?

A: Yeah, it's, it was pretty, pretty light. Probably a good hour left of, of decent light, decent daylight, walking daylight I was taught.

Q: Okay.

A: It was starting to, to be a little bit on the, you know, it was starting to, it was not full sun by any chance, but it was, it was starting to get a little bit afternoon, late afternoon light but, things were visible.

Q: Okay.

A: I mean I could see figures. I could see individual figures.

Q: Uh-huh.

A: On that hillside from there. I could obviously see the cars and it, it's a very familiar area to me and as much as I'm up there twice a day normally.

Q: Okay.

A: So yeah.

Q: Okay so you saw one patrol car or how many, from the vantage point?

A: We did. I saw one.

Q: Okay.

A: I have, I noticed one came at high speed up the hill stopping.

Q: Right. Okay so then when, when that patrol car stopped, did you see any -- okay, so at that point, you're, you're looking at towards that area, you see a car. What else do you see in that area?

A: Pretty indistinct. At that time I didn't see, I didn't see officers outside of the car.

Q: Okay.

A: At that time. Before the car arrived.

Q: Uh-huh.

A: And I noticed the car doors were open.

Q: Okay.

A: And, and I'm not sure exactly where the gunfire originated from. I'm assuming it was in the area either near the car, next to the car, adjacent now, somewhere, somewhere from there but frankly it was so far away, I couldn't tell.

Q: Uh-huh, okay. And so at this point still when you heard the, the gunshots, you still did not see any figures yet?

A: Not yet, shortly after that, then we saw a number, like I said, maybe a dozen uniform, or people in dark clothing at, from that distance. I'm, I'm assuming it's uniform but, it looked like police personnel, racing up on foot.

Q: Okay, and, and you do not know whether or not you saw the, the victim?

A: I couldn't tell from that distance.

Q: Okay.

A: I couldn't identify him. All I can really give you is that timing from the time that that patrol car arrived and.

Q: Okay.

A: And when we heard shots and that didn't have a clock on it.

Q: Okay, let's go, let's go through that. Okay, so you see the car, so how soon after you saw the car stopping did you hear the first shot?

A: Best guess estimate is about 90 seconds. It was very quick. And it, it was, the shots started and then it was like and then it just ripped right open. It was like, you know, one or two and then it just became very quickly, many, maybe 20 or 30 as I said, shots.

Q: That you heard?

A: That I heard.

Q: Okay.

A: And it's, the people we were, you know, it up on the four of us standing there, you know, we, we all agreed that you know, there's been a, you know, a lot of shooting has just occurred. And, and-

Q: Okay.

A: We were sort of discussing that a little bit. We were surprised that there was so many shots fired.

Q: Okay. And you said, were you counting, well, after the first two shots, then when you heard the rest, at that moment, were you, did you think to count or?

A: No.

Q: How did you, how did you?

A: They, either you're certain you couldn't, you know how when firecrackers are lit on, you know in the, in a bundle, you know those like in Chinatown?

Q: Yeah, uh-huh.

A: Once it goes, they go really, really fast so. And it was, it wasn't one gun doing it. It sounded like it was two or three, I don't know. So it would be like there's no way I could have counted them.

Q: Okay, okay. So how did you arrive at the number of 20 to 30 shots?

A: Best guess.

Q: Okay.

A: Random guess. Just having been on, you know, ranges firing, you know, pistol ranges. I've been target shooting in the past and.

Q: Uh-huh.

A: Or when I, where I grew up in a town we did hunting. I did my hunter's safety course when I was 15. And my dad and I target shot and, so I've been on ranges and now, it's just not totally unfamiliar to me.

Q: Okay, and then, excuse me. Okay, so, that was 90 seconds. And then after you first, after you heard the, the first two shots, then how, how long was the time you think, between the second shot and then the rest of them, described as many?

A: I would say around seven seconds tops. Five to seven seconds.

Q: And when you were walking, did you see any like, let's see, anything visual?

A: No.

Q: When you heard the shots? Were you still looking, or?

A: I was still looking and -

Q: Gunfire?

A: I did not see; I didn't see smoke. I didn't see muzzle blasts. I didn't see Nieto, Mr. Nieto fall. No, you know, I didn't see that.

Q: Okay. And then, okay so when you're still looking, do you see any other cars besides the first one that you?

A: It's the only one I remember.

Q: Okay.

A: Yeah, that's the only one I remember. There could have been more further down the hill and there are some trees that that could have blocked them. But in other words, I could not have a complete view from the, the entry to the park like, the gated entry to the park.

Q: Uh-huh.

A: Through, it was partially obscured by trees and the foreground so there could have been other vehicles. I will say that after the shooting stopped, a numb, like I said the, you know, a number of uniform police scrambled up into the side there. They got there very, very quickly so I, then probably were other vehicles or something going on behind those trees.

Q: Okay. So then, uh-huh, so how many, how many officers did you see after, after that?

A: On foot? I would say, yeah, I'm looking at my notes here that I wrote the next morning, I'm, my notes says seven to ten.

Q: Okay.

A: I think I mentioned earlier, a dozen. I, I think, it could be from seven to twelve really.

Q: Okay.

A: Do you -

Q: Okay.

A: Fortunately, I wrote this down on the 21st.

Q: So, okay, and who were the people that were with you?

A: There was a gentleman named [redacted], from [redacted]. And, then the other people I do not know. I mean I know them by sight from the neighborhood from.

Q: Okay.

A: In the park.

Q: There were, two others you said, like?

A: The husband, yeah.

Q: Are they male or females?

A: Male and female, they were jogging. They were in jogging clothes and I see them around the neighborhood, you know. Hi, how you doing, or just, you know, I'm in the park and she recognized me, and she approached me saying, can you believe this? You know, she was exclaiming.

Q: Okay.

A: Think they are kinda new to the neighborhood and I've been around a long time. So she was sort of, you know, like checking this with me or something.

Q: Oh. Alright, anything else that comes to mind in regards to this incident?

A: Nah.

Q: That I haven't asked you?

A: I'm sorry I wish I had been paying closer attention. I wish I had a pair of binoculars. But I didn't. Like I said, I saw no laser light. I couldn't see.

Q: So how, how far is let's see, Peralta and Ripley from, from?

A: Probably about 500 yards.

Q: Area.

A: Yeah, it's a, but it's a straight shot, but it's about 500 yards.

Q: Okay. Alright. Anything else if I can conclude the interview?

A: No, that's all I can think of.

Q: Okay. Alright, well if there's nothing further I will conclude the interview. The time is approximately 8:35 P-M. I'm gonna turn off the recorder.

A: Okay.

END OF INTERVIEW

SFDPA - 0179-14 - 001963

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

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I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 10, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 001964

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: [redacted]

INTERVIEWED BY: **INVESTIGATOR CALDERON**

DATED: **DECEMBER 5, 2014**

Q: INVESTIGATOR HELEN CALDERON

A: [redacted]

Q: Gonna be regarding OCC case number 179-14. It is taking place on Friday December the 5th the year 2014. Conducting this interview is Investigator Helen Calderon. I'm speaking with [redacted]. [redacted], do I have your permission do I have your permission to tape record this interview?

A: Yes.

Q: Okay. Please tell me what occurred on, I believe it was a Friday March 21st of the year 2014 in the evening. What occurred at the Bernal Heights hill? What did you see?

A: Sure. So [redacted] and I were walking our dogs down the hill from the southside of Bernal to the north. And we were walking along, and we had gone past this guy and he turns to me and he says, "Did you see that?" I said, "No, see what?" He said, "That guy has a gun back there and was acting really oddly." No, I didn't see it. Should we call the police. Thought for a second and he said, yeah, the guy was acting really weird. And he definitely has a gun on his hip, and he keeps putting his hand on it and touching it. So at that point we walked a little bit further and I got on the phone and called 911. And we got off to the side of the path a little bit. It was a really sort of odd call. But, it took a long time down to stand where I was and he kept, the dispatcher kept trying to keep me in eyesight of the individual that we were calling about. So I stood there. Just felt pretty uncomfortable not knowing the situation and what was gonna happen. And she kept kinda saying stay in contact. Was asking about him. So I described him. I was asked his weight, height, what he was wearing. And then at that point he started to walk towards us and got pretty nervous and being there and not you know any more reason to have to be, so we went further down the hill. And she said okay there's police arriving. Just need to flag 'em down and point out where he was. She said, you know can you stay in contact, visual contact

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with this guy so that we can make sure that we know where he is. So I was like, hum, I started to walk back up a little bit. Just kind of feeling really scared about whether or not something was gonna happen if this guy saw me because I had been looking at him for ten minutes or so while I'm on the phone. So I started to walk up back the hill so I could see you know where he was. And at that point gunshots started ranging out. And they were very much coming right over my head hitting the trees above me. And at that point I turned down and ran down the hill towards the street and got behind a car and eventually hung up with a 911 dispatcher. And then once, once we knew it was okay walked over to where most of the police cars were parked to talk to the officers there.

Q: Okay. So, at the time that you're walking your dog, are you and [redacted] together the whole time?

A: Uh-huh we're walking side by side.

Q: Okay. And you said that guy past you guys, did you see that?

A: No, he, [redacted] asked me if I saw the guy.

Q: Oh okay.

A: So-

Q: All right. So when you initially called 911 you were still just outside. You weren't even in your vehicle at that point?

A: No. We never made it to our vehicle. And as we started to walk down the hill anybody else coming up towards us [redacted] was, he's [redacted], was saying hey don't go up there that guy has a gun and he's acting really weird. You know he's like shadow boxing the air. And just acting very strangely.

Q: And did you see the gun?

A: I never saw it. But I asked [redacted] are you sure, are you sure. And he said, yes he's got a

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black pistol on side of his hip. Because I was on the phone. So, you know, I wanted to be sure that while I was calling this is legitimate and he reassured that is exactly what he saw.

Q: And what was the distance from when you made the 911 call and the dispatcher was telling you to keep a visual on the suspect. What was the distance from where you were to where you were looking at the suspect?

A: Probably 100 yards.

Q: And you said that he noticed that you were looking at him?

A: I couldn't exactly tell but I'm sitting kind off the side and I'm on the phone looking up at this person for a period of almost ten minutes. So what went through my head was clearly this guy had to be looking and seeing that I'm on the phone and if he does indeed have a gun and is planning on doing something crazy, he's looking at me talking on the phone looking at him. So I thought this guy is coming after me.

Q: And did he move toward you at any time while you were looking at him?

A: He started to walk down the hill towards where I was standing. I didn't, I couldn't tell if he was coming at me or just down the hill.

Q: Uh-huh.

A: The path is probably 25 feet wide there. But he was definitely moving in my direction and that's when I moved further down the hill out of his sight.

Q: Then you moved out of his sight. When he started to move like in your direction, how far did he get before you just moved?

A: I got out of where I could see him after he had come maybe ten yards closer.

Q: And then did you hear the police when they alerted, did you see when the police arrived?

A: We saw them – we saw the police cars down below on the street below where we were kinda heading towards that main entrance off of Folsom.

Q: Uh-huh.

A: But we never saw the police officers. You know and they – I think they had sirens on at that point, or they had turned them off as they were coming (on). But I know we were – I was worried about the fact that if this guy was indeed thinking that I was calling the police on him that he could clearly hear the police. So that's kind of what led up to the situation of me being very scared about being in a position where I could be shot at.

Q: And this entire time you're still outside of your vehicle?

A: Yes.

Q; And then, okay so you see some police but then you say you didn't see. Okay so when you moved you said then you got out of the sight of the suspect. Is that right?

A: Uh-huh.

Q: Okay and then you're still on the phone with the 911 operator at this point?

A: That's correct. And she was then encouraging me to go back to a place where I could see him and the police officers.

Q: Ah.

A: And you know I kind of hesitated then you know (inaudible) you need to be able to see him and you know as far as okay. And this is ridiculous that somebody would tell me to go back into a dangerous position.

Q: Uh-huh.

A: But you know everything is going on and I'm like okay well I'll go a little bit closer.

Q: Yeah.

A: As soon as I started to walk back up the hill that's when the gunshots started.

Q: Okay.

A: And I couldn't tell.

Q: So you were gonna go up and then you heard gunshots and then you?

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A: I was going back up because she asked me to. And that's when the gunshots started as I was walking back up.

Q: And at this point-

A: And I couldn't tell if I was being shot at or what. But they were hitting right above my head and breaking like the branches above me.

Q: Okay. And what did you do at that point?

A: Ran, as fast as I could back down the hill and got behind another car.

Q: Okay and you're still on the phone with the operator?

A: Uh-huh.

Q: And then when you ran back and hid behind the car at that point what did you do?

A: Just waited there until everything stopped. And at that point once we thought things stopped enough, I stayed on the phone with her and said is it okay for us to get the hell out of here.

Q: Uh-huh.

A: And we put our dogs in the car and drove off. And she asked that I go to where, she said that the situation had ended or whatnot and then asked that we go over and talk to the police.

Q: Okay so then you went back up to the hill?

A: We kinda went down over to Folsom Street and parked on Folsom.

Q: Okay.

A: On that side entrance to Bernal.

Q: And then police came and talked to you at that point?

A: Yeah uh-huh.

Q: Okay. Now, did you also witness the suspect behavior? I know you said you didn't see the gun, but did you see the suspect and how he was exhibiting (inaudible) behavior before [redacted]

[redacted] mentioned-

A: Yeah. Yeah.

Q: Can you describe that for me?

A: So when I was on the phone with the dispatcher I was looking back up at the guy. And there was, it was clear that he was acting weird and he was kind of pacing back and forth in one spot. And it wasn't like he was just sitting there enjoying the sunset or waiting for somebody. It looked like there was something wrong kind of mentally. You know he was acting very strangely like someone who was about to do something.

Q: Okay and this behavior you observed while you were on the phone with 911?

A: Correct yeah.

Q: How about before you even called 911 did you observe any behavior?

A: No, I was going on whatever [redacted] was telling me. He was kind of rounding up the dogs as I was making the phone call.

Q: Okay. and do you recall about how many shots you heard?

A: It was probably 10 to 15. Somewhere in there.

Q: Did you hear any talking, or did you hear the police give any commands?

A: Uh-uh.

Q: Before you heard any shots? No you didn't?

A: No, I didn't hear any conversation at all.

Q: Okay is there anything else that you think is important that I haven't asked you before I conclude the interview?

A: No, I don't think so. That's mostly it.

Q: Okay if there's nothing further I will conclude the interview. The time is approximately 4 PM and I'll turn off the recorder.

END OF INTERVIEW

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

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That the foregoing transcript, page 1 through and including 8, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

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IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 001972

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: [redacted]

INTERVIEWED BY: **INVESTIGATOR CALDERON**

DATED: **SEPTEMBER 5, 2014**

Q: INVESTIGATOR HELEN CALDERON

A: [redacted]

Q: Okay this interview's regarding OCC case number 179-14. It's taking place on September the 5th of the year 2014. Conducting this interview is Investigator Helen Calderon. The witness is [redacted]. [redacted], do I have your permission to tape this interview?

A: Yes.

Q: Please tell me what occurred, I believe the date was March the, the 21st.

A: Yeah, that's the date. I think it was a Friday evening right afternoon. We were walking our dogs around the west portion of Bernal Heights and we observed a man, who we first noticed was acting sort of erratically; pacing back and forth and talking to himself. And, and as we got closer to him and began to pass him walking our dogs, we noticed that he had a gun on his hip and he made a point to pull up his red jacket and, and show us a holstered gun on his hip. He never pulled it out, but it was alarming enough that we thought we should call 911. [redacted] dialed them, and he relayed to – talking to the person on the other end of the phone, the thing that we saw in the next few minutes, including the man sort of like continuing to pace back and forth and talk to himself. And I believe at one point, he was shadowboxing. And we were, I don't know how long we remained on the phone, but it was a, a long while. And I kept encouraging [redacted], [redacted], that we needed to leave the premises. And I believe the 911 operator told him or was trying to encourage him to stay in eye contact. At some, at one point, several people had passed us at this point and asking if we'd seen a guy with a gun and we said, yes. And then we warned some other people that there was a guy with a gun. And at some point we had finally (ducked) down behind this hill. It looked like he was walking toward us so we, we (Inaudible) behind the hill and headed toward our car at which time we heard a lot of gunfire. I

don't know how many rounds were, but we heard them probably more than 10. And we stayed on the phone with 911, 911 the whole time.

Q: Okay, and about what time did you say it was that day?

A: Hum, I don't know, 6:30, or 7, 7:30 in the evening something like that.

Q: And, and you said he was talking to himself. Do you recall what type of things he was saying?

A: I, I don't. I don't recall at all. And you know, no, no one thing that he said, or did I guess was alarming in and of itself. But combined with the fact that he was you know, making a point to flash his holstered gun at us; the fact that he was pacing back and forth which people, you know, we're at a park, public park like that don't, don't often do or you don't often see. You know, the fact that he was like shadowboxing and can, sort of talking to himself. There was no one around him, all of it was a bit alarming. And if I had to do it all over again today, I would call 911 again if I saw something like that. I regret that the man was shot and killed very much. But it was alarming enough to call 911.

Q: Okay, and then you said he showed you the holster?

A: He, he was wearing a long, red jacket as I recall and he pulled the, the bottom of the jacket up over his holstered gun, yes.

Q: Uh-huh.

A: He made a point to, to show that he was wearing a holstered gun. And he kept putting his hand on top of that, that gun as well.

Q: Okay, as he walked by?

A: That's right.

Q: And made it a point like, do you think it was to show you specifically or was he still in-

A: I don't know. He could have been talking to himself and, and then again I don't know. But he was, you know, putting his hand, resting his hand several times, moving it back and forth, resting his hand on top of the gun.

Q: Uh-huh, and can you describe the gun and the holster for me?

A: It was black. He was wearing black pants and I believe it was holstered on his left side, but I can't remember.

Q: And, so you saw that the gun was black?

A: Yeah, uh-hum. And all I saw was a holstered gun. I never saw it out of the holster.

Q: Okay. Okay, and, okay was there anything else about the suspect -- then you said he's pacing, talking to himself.

A: And he was wearing black pants, like parachute pants or something like that, maybe cargo pants. And he was wearing a very, very bright red jacket. That's all I remember.

Q: Did he have any of his stuff with him? Like.

A: Not that I recall.

Q: Okay, and then, you say you walked further down the hill and then at one point, you said that he was walking in your direction. Is that correct?

A: Yes, so we -- if you're familiar with Bernal, we started sort of on the west side there is this better set of stairs that go down from the hill into the neighborhood. And he was right there next to the chain link fence. Then we walked north along that side of the hill. And there's a portion where the trail sort of goes down and exits out sort of the north-west side of the hill, and that's when we started, whenever we noticed he was sort of walking toward us.

Q: Okay. And then you said you, you went to your vehicle at that point or?

A: Yes, uh-hum. All, all of this should be on the 911 tape. He never hung up with them. And you can hear every, I'm sure you can hear everything including the gunshots on that tape.

Q: Okay. And then how far was your vehicle from, from where the, suspect was at the time?

A: Maybe a 150, 200 yards, something like that.

Q: And, and when the police got there did you, did you see from, from the vehicle what was going on?

A: No, uh-uh, we were down the hill. All that happened up hill and we didn't, we didn't know what was happening honestly. We thought that he was firing on us, honestly. We didn't realize the officers were even there yet.

Q: Oh okay. You didn't hear any sirens or anything like that?

A: No. I take that back. We may have heard some sirens.

Q: Okay.

A: But I don't exactly recall.

Q: Okay, and then you said you, you heard gunshots?

A: Yes, many gunshots.

Q: And then you, you just mentioned that you didn't know if they were, for you or?

A: Yeah, we thought that, honestly, we thought while we heard them, that he was firing at us.

Q: Okay.

A: And then we ran and got in the car and - and drove away.

Q: Okay now from, from being in the vehicle and hearing like the first shot, can you, was, do you know about how many shots did you hear?

A: About, I don't, I don't remember. I, I remember that it was more than ten. It was many in a rapid succession. And I, I think I told the officers back in March that it was 15 maybe and-

Q: Oh.

A: I thought that's what I said back then that's probably what it was.

Q: Okay. Can you describe the, the day, the weather that day?

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A: It was sunny and nice and, you know, there was becoming late in the evening but there was still plenty of light outside.

Q: Okay. And you said several people passed you by and said, did you see that guy with, with a gun?

A: Yes, uh-huh.

Q: So about how many of the people approached you?

A: I, I don't exactly recall. There were several who were sort of downhill from us who were going and warning people not to come up the hill cuz there was a guy with a gun. I remember a man with our same two dogs that, that asked us if we'd seen the guy with a gun and we were already on, on the phone with 911 at that time.

Q: Okay.

A: I remember two women who I don't believe were together. I think they were independent talking to us about it and one is the one that went down the hill which is sort of rounding to the north side of Bernal at that point. Down the hill to sort of tell everybody to not come up.

Q: Okay, and when you called 911, do you remember, oh you said [redacted] called, right?

A: That's right. Uh-hum.

Q: Okay. Okay. Okay can you, is there, okay, can you, can you describe a little more about the erratic behavior that you observed? You see him talking to himself. Was there -

A: Yeah. I remember him shadowboxing at one point. And it, it was it, you know, I guess people pace. But it was erratic enough to draw our attention.

Q: Uh-huh.

A: And you know, at one point, you know, I, I don't know. He was, there's a chain link fence and it's on that north side of Bernal. And he was sort of going in and out of that chain link fence. Meaning he was going on the side of the chain link fence that sort of drops off down the

hill. And which was strange too like why would he be doing that. But I have no answer for that question but it, you know, I don't know. It was just all of it was very erratic behavior.

Q: Okay.

A: And we, we felt compelled, you know, and we live just across the hill in Noe Valley, but we had felt compelled to call the cops because we thought it was, you know, the neighborhood needed to be protected. (inaudible) they should check it out.

Q: Okay. Now, from where you were with 911 before you heard any weapons or shots fired. Did you hear any voices? Was there any talking or anything?

A: No, I, I mean no, but I think, you know, we were sort of hurrying down the hill and then we heard the gunshots. And we were running down the hill at that point.

Q: Okay, and you didn't hear any, the police say anything?

A: No. Like I said, we didn't even hear -- we thought he was shooting at us.

Q: Okay.

A: We didn't know that the police were even there really.

Q: Okay. And what, and when the suspect was talking to himself, can you describe the tone that he was using?

A: I didn't, I, all, you know, I, all I ever saw was lips moving and him talking to himself. I didn't hear him speak.

Q: Okay. And then I think I asked you if he had anything else with him?

A: I don't think I saw anything else. I, I don't know.

Q: Great. Alright, at this time, I believe those are all the questions I have. If there's something further that you remember that you think might be important.

A: I don't know though. I mean, I would just encourage you to listen to the 911 tape, I mean we were on the phone with him the entire time.

Q: Uh-huh.

A: So, I think that you should get everything that you.

Q: Yeah, uh-huh, yeah.

A: You know, until.

Q: Okay, thank you so much. I will conclude the interview. The time is already 3:38 PM and I'm gonna turn off the recorder.

END OF INTERVIEW

SFDPA - 0179-14 - 001980

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

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I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 9, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

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IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 001981

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: [redacted]

INTERVIEWED BY: **INVESTIGATOR HELEN CALDERON**

DATED: **MAY 20, 2015**

Q: INVESTIGATOR HELEN CALDERON

A: [redacted]

Q: This interview is regarding OCC case number 179-14. It is taking place on Wednesday May the 20th of the year 2015. The witness is [redacted]. [redacted], do I have your permission to record this interview?

A: Yes

Q: Okay and [redacted] I am calling you in regards to the incident at Bernal Hill park on Friday March the 21st of the year 2014. And I wanted to ask you what happened, what did – what happened that day and what did you observe in regards to the incident.

A: Sure, sure. So I was at Bernal Hill that evening walking my dog. And Bernal is a very dog friendly place, you know, so a lot of people bring their dogs there. A lot of people have treats that they give to the dogs. [redacted] So we had just past I'd say the drinking fountain going down the hill and over by the set of benches right there a man comes up from the – from a dirt path that leads up to the paved trail and he's holding a bag of potato, some kind of chips. And my dog thinks that it's a dog friendly person with treats for her. So she goes up and starts begging for the treats. And the gentleman became a little agitated. I called my dog back. He, you know, I told both the DA investigators that the gentleman was dressed what I would associate with Latino gangs. A red jacket, windbreaker style jacket and a black cap. And he appeared large compared to me. And just very agitated and upset by the dog. So, I called my dog back as quickly as possible. She came right back. I was happy about that. But I was momentarily distracted by a young lady jogging by. And when I turned back to get my attention back on my dog, the gentleman, we now know is Mr. Nieto, he had descended the paved trail a little bit more and my dog was still following him and

asking for more treats. Begging for treats. Mr. Nieto became much more, much more aggressive with the dog and what is the word to describe it; almost manic and upset with his behavior. At the next set of benches past the, past the staircase going down, that would go down to my apartment, he jumped up on a bench and at this point my dog, you know, could sense how erratic his behavior was and she began kind of barking. She's a [redacted] so she, they are very talkative and vocal. So she was vocalizing to alert me of some possible danger. So Mr. Nieto became very erratic and at that point -- and I was going descending the hill trying to grab, you know get my dog back as quickly as possible, when he associated me with the dog. Turned towards me on the bench. Lifted his jacket and exposed in his beltline the butt of what appeared to me at the time to be a semi-automatic pistol. He drew this item from his belt, pointed it at me, again straight on it appeared to be a pistol. And I'm a registered gun owner so I know what pistols looked like. So at this point I feared for my life and started to back away. He did turn towards my dog and so I could see the object in profile, that is the only time where I could – I was able to ascertain it was a stun gun. Only based on the size of the muzzle area. There were no lights and no colors on the object. It was all black. I was somewhat relieved, but he was also pointing this thing at my dog. Threatening to shoot my dog with it. Turning it back towards me threatening to shoot me with it. I got my dog back towards me, leashed her up, and descended the staircase. I could still hear him yelling at me, "C'mon mother fucker, c'mon bitch. Let's go. You don't want any of this" kind of stuff. I called; I don't know why I called non-emergency police at that point, but I did. I couldn't get through and I let it go. And that, it was, it was the next morning when I read the news that he had been shot by police a few minutes afterwards. That would be the end of the recount.

Q: Okay so you mentioned that Nieto was with a bag of chips. You describe him as having erratic behavior. Can you be a little more specific as to what you mean by erratic behavior?

A: In odd very tense posture. Turning very quickly. Jumping up on benches and waving his

hands around. All of those I would say, moving very quickly, spinning around. Waving his hands. All of those would, made me describe his behavior as erratic.

Q: Okay. And then you said when your dog, that behavior occurred when your dog went up to him?

A: Uh-

Q: Or the behavior before that or after that?

A: I mean I noticed him moving quickly up the hill, but his behavior became from my observation more erratic when the dog approached him.

Q: Okay. So when he was walking up the hill, is that right?

A: Yeah, I mean-

Q: He was walking up and you were walking down?

A: Yeah so I was walking down the paved portion. He came up a side trail.

Q: Okay.

A: Side dirt trial. I mean I only saw him for a second before my dog approached him. She loves her treats. So she went up to him pretty immediately. I didn't get a chance to observe him for very long.

Q: Okay.

A: I mean that, like I said, I went to [redacted]. We had gangs there. When he came up the hill I you know my initial thought was, you know because I've seen some guys that, you know probably don't want to mess with. On the stairs and at the park, stairs going up to the park and at Bernal Park. And you know my initial thought was, there's a guy I don't wanna mess with you know. And that's when my dog went right up. All that happened in you know a split second there.

Q: And then you mentioned that at one point you, your dog went off while you were distracted with another runner.

A: Right.

Q: And when your dog went up to Nieto again, did Nieto yell out or say anything?

A: Uh-

Q: What made you turn around to look for your dog.

A: Oh I mean I just always keep it as close as an eye on my dog as possible. You know I -- all this happened again so quickly you know I don't recall him -- you know the next thing that happened after turning to the right for a brief second, I turned to the left and they're -- they were almost down to the bench. So he may have been running. I didn't see him get from, get to the bench.

Q: Uh-huh.

A: You know he just sort of got up on the bench and I didn't hear him say anything until I got my dog back and he started you know saying, you know, "C'mon mother fucker" to me. That kind of stuff.

Q: Okay so he never attempted to talk to you about your dog?

A: No.

Q: And so the immediate response was kinda "c'mon"

A: The immediate response-

Q: Was he like challenging you to a fight or?

A: The immediate response was jumping up on the bench.

Q: Uh-huh

A: And as I you know started calling my dog before he said anything to me, he you know exposed the butt end of the object in his belt. Which again, looked exactly like a pistol to me. Pulled it and aimed it right at me. You know I thought I was gonna get shot at that moment. He had not said a word to me before that.

Q: So when you see that weapon do you continue to approach him?

A: No, absolutely not.

Q: Okay and then what was the distance between when he threatened, pulled the weapon and where you were?

A: I would say about 15 to 20 feet at most. We were pretty close.

Q: Uh-huh and your dog, where was he at that time? She?

A: She, yeah, she it's okay. She was within two feet of him. You know yeah she's on the, he's on the bench and she's right next to the bench you know kind of wanting the treats at first and now you know alerting me to -- she will sort of vocalize if she feels like somebody might be dangerous. So she was kind of doing that kind of barking.

Q: Uh-huh and when she was barking at him and then pointing, Nieto was pointing the weapon at you at that point?

A: Uh-huh.

Q: So he wasn't saying anything like, you know, get your dog or anything of that effect?

A: No. He wasn't saying anything at all. He was just, he was just waving you know, first he aimed the object at me. Then he turned to aim it at my dog. That's how – that's the only way that I knew that it was a stun gun.

Q: He didn't threaten to shoot it or?

A: Uh-

Q: Or vocalize that he was gonna shoot it or?

A: I didn't hear him say anything. I thought pointing it at me and pointing it at my dog was threat enough that he was gonna shoot it so that was, you know, implied threat.

Q: Then when was it that he said "c'mon let's"

A: After I got my dog back and he was – and we were descending the stairs.

Q: Okay. So was your back already toward from him?

A: Yeah, I wasn't, I wasn't looking. I wasn't about to you know get in an altercation with somebody with a weapon.

Q; Uh-huh okay. Was there anything else about Nieto's behavior that you haven't already mentioned?

A: No, I mean I just wanted to reiterate that he was very erratic and aggressive. And you know my, I feared for my life.

Q: For your life?

A: I, when he you know exposed the butt of the – of the what turns out to be a stun gun I thought he had a gun. When he pointed it at me I thought he was going to shoot me. So that's – that's really how I felt. And you know the things he said that he was, as I was descending the staircase he was clearly looking for a fight with somebody.

Q: Okay and were there any other people around when he had you know pointed the weapon at you?

A: There were. I mean there's always people there. I understand other people called 911. I don't know if they called 911 before they saw this. I don't know anything else of what he did before or what he did after I saw him.

Q: Uh-huh but he, did someone see him pull out the weapon and point it at you and your dog?

A: I'm sure somebody did, but we left the area as quickly as possible. So I didn't talk to anybody who may have seen it.

Q: Okay. And then you said you called the non-emergency number?

A: Yeah, I tried to call non-emergency police.

Q: Why did you do that?

A: Why did I do that? I have no idea.

Q: Versus 911.

A: Versus 911? You know obviously I would have called 911 if it was real – if it was a real gun. But I guess because I, two reasons. Because I was able to figure out it was a stun gun you know after seeing it in profile. And then I was out of immediate danger, so I didn't know, you know I know 911 is if you're only in eminent danger. So and I guess I assumed that getting through to non-emergency police would be faster. I used to live in [redacted] and I live in [redacted] now and there it goes through pretty quickly.

Q: All right. Anything else in regards to the incident before I conclude.

A: No. I mean I, I again I just really feel it's a big tragedy all around but I – I felt in danger for my life. I feel like if I was a different person and this was a different state.

Q: Uh-huh

A: I would, with what I was faced with you know if we had stand your ground laws and I was a gun nut or something I would be in the right to, you know, protect myself. I don't necessarily knowing what I know about the job of a police officer, I, I can't fault the decision of the police in this matter.

Q: Okay and then when was it that you communicated with the SFPD in regards to what you witnessed?

A: Let's see. I – initially afterwards I saw the article in the SF Gate the next day.

Q: Uh-huh.

A: I know I talked to the press but remained anonymous.

Q: Okay.

A: And then after I saw kind of the public outcry and the graffiti on the Bernal, on Cortland Avenue.

Q: Uh-huh.

A: I just thought that I needed, that there's obviously there's misinterpretations about what actually happened that night and that I should do my duty to tell my story. So it was you know a couple of weeks later or so.

Q: Okay. Did you document the incident in any way after reading the article?

A: Did I document it, no.

Q: All right well if there's nothing further I will conclude the interview 4:32 PM. I'm going to turn off the recorder. Thank you so much for your time.

A: Okay thank you.

END OF INTERVIEW

SFDPA - 0179-14 - 001990

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

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I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 10, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 001991

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: **INSPECTOR CAGNEY**

INTERVIEWED BY: **INVESTIGATOR CALDERON**

DATED: **UNKNOWN**

Q: INVESETIGATOR CALDERON

A: INSPECTOR CAGNEY

HS: HARRY STERN (ATTORNEY)

Q: Okay this is regarding OCC case number 179-14. Taking place at the OCC. The time is approximately let's see 10:53 AM at the OCC. Conducting this interview is Investigator Helen Calderon. The member being interviewed is Inspector John Cagney, number 341. His representative is Attorney Harry Stern. Inspector Cagney, have you read the statements of complainant [redacted], [redacted], [redacted] and [redacted] concerning an incident at Bernal Hill Park on March 21st of the year 2014?

A: I have.

Q: Have you read General Order 2.08?

A: I have.

Q: Have you read Rule 21 of General Order 2.01?

A: I have.

Q: Have you read section 1A of General Order 2.04?

A: I have.

Q: Do you understand these orders?

A: I do.

Q: Okay. Inspector, you're obligated pursuant to the above DGO's to cooperate with this OCC investigation, provide your full assistance and answer all questions posed to you during this investigation. If your representative interferes with or obstructs this investigation, you will be deemed to have failed to cooperate and be subject to discipline for violations of DGO 2.01 and 2.04. Are you prepared to be interviewed at this time?

A: I am.

Q: Okay. Officer, how long have you been with SFPD?

A: 25.

Q: And what was your assignment of the date of the incident?

A: Homicide.

Q: How long have you been with homicide?

A: Seven, maybe eight. Seven and a half maybe.

Q: And at the time of this investigation who were you working with?

A: My team, Sergeant Bonner and Sergeant Burke, now Lieutenant Burke.

Q: Okay. So first I would like to start by asking you how you investigated the Nieto case like procedure wise. And then, later, I'm going to ask you more specific questions. So maybe like a general like how you go investigating?

A: It's pretty straight forward really. So, I was notified to respond, my team and I. We're the up team meaning it was-

Q: Uh-huh.

A: Our turn to take a case. We responded. I assessed the crime scene like I always do. Make sure it was secure. Took a look at what evidence we had. Had a briefing from the patrol officers that were responsible for the crime scene until we took over the investigation. Coordinated with the crime scene investigators, personnel there on what evidence I wanted collected. Well, they collect the evidence, but we have a discussion-

Q: Uh-huh.

A: About what we feel is relevant or not. Assess whether there's any witnesses present or that need to be immediately interviewed, which there was. Made sure that the officers involved were separated per the protocols involved. And what were their locations and their conditions and make sure, you know, there wasn't any medical issues or anything that needed to be attended to there.

Q: Uh-huh.

A: In this particular case there was a couple of witnesses, so we responded back to Ingleside Station to interview them. Then later that evening when Police Officer's Association, Internal Affairs and OCC and all the other moving parts in one of these investigations was ready, we conducted interviews with the officers involved in the shooting. That's it.

Q: Okay. Okay so there's an allegation of the department covering up the fatal shooting by possible falsified official reports to cover up misconduct. Can you speak as to your part in the investigation and what steps you take to ensure that the work is accurate and transparent.

A: That's a pretty broad question. In essence it's simple. It's transparent because we tape record our interviews, or audio tape and video tape our interviews. Everything is recorded in our chronological investigation and/or police reports. And my immediate superior, my lieutenant obviously, you know, maintains control of the investigation at the supervisory level. And, of course the most obvious reason why it's complete nonsense is that it's a transparent investigation involving multiple entities; the District Attorney's office, your office as a matter of fact, the Management Control Section, I'm sorry the IA Section of the Police Department. I mean you know who knows. There's usually a cast of characters involved in these investigations and they all have a part to play so there's checks and balances across the board.

Q: Okay. And who was your Lieutenant for this?

A: You know I've been through quite a few lieutenants. I believe it was Lieutenant Chaplin, if I recall, who is now the commander of investigations.

Q: Okay this is, you may have mentioned this, but how do you ensure the officers statements are not tainted? What is the procedure to make sure that?

A: Well, first, I'm probably not the right person to ask because-

Q: Okay.

A: It's not my responsibility to maintain the separation of the police officers.

Q: Okay.

A: At the scene. That's handled by the officers at the patrol level.

Q: Okay.

A: So I can't really speak to that in terms of if you're asking specifically as to how do I know that they're not tainted. It's simple, I interview each officer independently and separately and the tapes are obviously accessible to anyone that has access to the investigation.

Q: Okay so what types of information do you seek about the suspect in a homicide case?

A: Any case?

Q: Yes.

A: Well, you know, did they do it for example. What evidence would support that they committed the act. Their backgrounds, vehicles, associates, technological devices they may have access to that might shed light on the crime. I mean, you know, again, I'm not trying to give you a hard time, your questions are-

Q: Okay I know.

A: You know I could spend an hour and a half

Q: Okay let me (Inaudible). Okay so, okay so for this case why, why wasn't, why did you need Alejandro Nieto's medical information for your investigation?

A: Simple. The whole point of conducting an officer involved investigation, or any murder is, you -- one of the cardinal foundations of an investigation is motivation. I mean what were the circumstances that would have triggered a fatality. Someone died. So what were the circumstances that would have created the situation where somebody lost their life. So, anybody involved, their motivations, their background, their historical, you know records would be of interest in terms of determining as to what factors caused the fatality.

Q: Okay. And why did you need information in regards to Alejandro Nieto's character?

A: Look, it speaks to the question you just asked. Same thing. It's always a part of the

criminal investigation is a background of the individuals involved. Whether they be police officers in this case, or Mr. Nieto, who I could even characterize him essentially as a suspect for a lot of reasons. But the point of the matter is is that everybody involved in a fatality I'm going to take a close hard look at their background, their historical information, their medical records, psychological, anything that I can find that, again, would offer evidence as to why the incident occurred.

Q: Okay and in the Alejandro Nieto case why was information about his character and mental health status disclosed at a community meeting?

A: I wasn't there so I have no idea.

Q: Okay.

A: I don't know if that happened one way or the other, but I wasn't present, and it wouldn't have been my call one way or the other.

Q: Does command staff meet with you prior to going to these meetings?

A: Sometimes.

Q: Okay and besides you, you're the assigned investigator. Besides you, does anybody else have information as to your case that would I guess brief the chief or whoever was at this meeting?

A: I have no idea, I don't know. I think I said earlier in the interview there's quite a few people who were involved in representing various agencies that have access to the information of the investigation as it's ongoing. So, it's a large number of people.

Q: Uh-huh.

A: So as to who would've talked to who, I have no idea.

Q: Okay. Let's, you would know about this that why this information about the officers involved not released in this, in these community meetings as well?

A: Again, you know I can only speculate from what I'm told, but no one told me directly as to why or why not, so I don't know.

Q: Okay and in regards to Nieto, do you have a format for when delivering the bad news to a family on the death of a person. Notifying –

A: We do.

Q: Okay what is the?

A: We don't.

Q: You do, you don't?

A: We don't – medical examiner is responsible for giving death notifications. That's not a police department function.

Q: Okay.

A: This is an unfortunate incident where that information came from us-

Q: Oh.

A: Where 99.9% of the time it does not come from us, it comes from the medical examiner.

Q: Okay so tell me why it came from you and not the medical examiner?

A: The medical examiner couldn't identify Nieto, and we didn't know who Nieto was either. Sergeant Burke was able to find a little information that we thought it's a possibility it would've been Nieto.

Q: Uh-huh.

A: And that's why we responded to the house to see if in fact we were correct. Because the medical examiner for whatever reason was unable to identify him.

Q: Okay.

A: And our task there was, or I guess not a task, our goal was not to notify the Nieto family because again that's not our function, it's the medical examiner's function. It just became apparent just in five minutes in speaking to the family that it was going to be in fact Nieto.

Q: Hum.

A: So it was an unfortunate circumstance for us and for the family because obviously it's not something we enjoy doing. It's a very emotional moment for the family and for us.

Q: Uh-huh.

A: And quite frankly, in my eight years at homicide I'm very happy that the medical examiner is the entity that performs that function because it is very difficult. So, only the second time in eight years that I've been in a position where I ended up being the person that told the family that they lost a loved one. It's pretty rare.

Q: Okay. So, please tell me what brought you to the Nieto's home on March 22, of the year 2014?

A: Well, I explained one reason. We weren't sure if Nieto was in fact the person that had been killed the night before. So we responded to the house, to conduct an investigation as to that. Whether or not in fact Nieto was the individual with the very limited information that we had. Also, one of the theories of the investigation was, based on my training and experience that the incident that happened the night before often times, nationally, you know people with those kind of, set of circumstances, that kind of information, sometimes people do that because it's almost like a suicide by cop. Suicide situation. There's all kinds of literature and documentation on that. Quite frankly, we were concerned because usually, again based on my training and experience that people who trigger a fatal encounter with the police-

Q: Uh-huh.

A: There's a trigger for that and we were concerned that perhaps if it was in fact Mr. Nieto that maybe he had done something tragic to friends or family, or – we didn't know what to find. We might have found a house full of dead people for all we know. And we felt on a two-prong approach that A: we wanted to see if Mr. Nieto was in fact the person that was killed and 2: we were concerned that there might've been a reason why Nieto had (inaudible) that night.

Q: And when you went to the Nieto's how did you communicate with them?

A: Initially, on the street, oh we spoke English. And then we called a police officer who's a Spanish speaker to assist us in the, in the interview I guess you could say.

Q: Okay.

A: The discussion.

Q: Okay do you know who that officer was?

A: I don't recall his name at this point.

Q: Okay. So please tell me what did you do when you were at the Nieto's?

A: Simple, we asked them a couple of basic questions. If they had seen their son. Their answer was no, they hadn't but they had been trying to get a old of him, which of course was a red flag for us. And secondly, had they, what was he wearing. And they told us what he was wearing. And then when they told us what he was wearing it was a distinctive jacket, it was a red jacket, a 49er jacket. Based on the fact that they hadn't been able to get ahold of their son for the last 24 hours or 18 hours or whatever it was, and then the red jacket, you know, I believed right then and there it probably was Nieto that had been killed the night before and I informed the family of that.

Q: Okay. While you were there, did you go to Alejandro Nieto's room?

A: He didn't have a room.

Q: Did you search any part of the Nieto's home?

A: No.

Q: How did you know he didn't have a room?

A: Because the family said the room we were standing in, which was the living room, was, he slept on a, wasn't even a couch it was like a cot.

Q: [redacted]

[redacted]

Q: Is that where the conversation took place?

A: Yes.

Q: Did you see anything while you were there?

A: No.

Q: Okay and what type of information did you get from the parents?

A: Well, quite, it was a half hour discussion, so you know things on Nieto's background. Some of his friends and associates. We asked about a girlfriend. His employment history. Was he going to work, what was he going to do last night? Who was he going to see? I mean your basic questions about you know, what, when and where.

Q: And did you ask about his mental health status?

A: Not specifically, but I mean it came up in discussion that he I guess had been taking medication in the past and that he had a couple of incidents. The family didn't really get into any detail about it.

Q: Uh-huh.

A: They said he wasn't under the medication though at the time of the incident. That he had taken medication in the past. I had some basic questions we would ask in any circumstance such as this.

Q: [redacted]

[redacted]

[redacted]

A: [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

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A: [redacted]

Q: Okay. What type of information did you obtain on the taser in your investigation?

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A: That it had been fired that night. That it had been fired, I think it's three times. I think the time stamp from what I understand, and I'm not a technician

Q: Uh-huh.

A: So I can't really speak intelligently about what the process is. However, I guess there's a drift in terms of the memory of the actual device itself. So the times don't necessarily match up but they're all within minutes of each other. Essentially, that the taser had been fired three times right around the incident where the police officers had been shooting at Mr. Nieto. So that was the key piece of information that came out of the examination of the taser. And in all fairness, the District Attorney's office and their investigator actually have that particular investigation of the device itself performed. Our department didn't want to spend the money.

Q: Can you describe taser physically to me?

A: I never saw it.

Q: You didn't?

A: I only saw photographs.

Q: Okay.

A: I don't wanna describe something that I've never seen with my own two eyes. You know what, I take that back, I did see it at the scene.

Q: Okay

A: You know, and I don't remember exactly, I remember it looked like a gun. That's what I remember. I noticed apparently it had yellow stripes on it. I don't remember seeing them either. When I did see the taser however, the prongs, I don't know if you're familiar with the operation

Q: Uh-huh.

A: Of a taser – they were extended in a, I guess it would be a easterly direction which was in the direction of the police cars, which is where the officers were when they said that they opened fire on Mr. Nieto. So apparently it had been activated.

Q: Uh-huh.

A: Fired in the direction of the officers although they were about 100 feet away.

Q: Okay and what witnesses did you interview regarding this incident?

A: I don't know, my, I don't have my case file here. So I, talk to one, two, three, three in person, three interviews in person and one interview on a phone. So four total. I don't have the names. It's in the case file. Two that night, one on the phone and then a subsequent interview I think a week or two later.

Q: And did any of your witnesses witness the actual incident?

A: No, it was all before witnesses.

Q: Okay in your chronological it documents that on August the 22nd of the year 2014 you called contacted the law firm representing the Nieto family concerning a witness that saw the incident. Were you able to identify and interview this witness?

A; Actually that's not accurate. What my chronological says is that the District Attorney investigator Jim Pasada was gonna reach out to, since their office was in contact with the family's attorney.

Q: Okay.

A: So I didn't do any of that. I just noted in the fact that Investigator Pasada was making an effort to try to find (Inaudible)

Q: Oh you just noted that.

A: I just noted that that was something that was done. Naturally of course they didn't cooperate but that's what Mr. Pasada the investigator said to me, that that was a lost cause as I assumed it would be.

Q: Okay and have you, is the investigation still pending?

A: My part of it is yes.

Q: Okay what are you waiting for or what is (inaudible)

A: I have to write a closure (memo) that goes through, I don't think, I don't know if OCC has access to it or not. It's not my call. I have to write a closure memo.

Q: Yeah, I've been requesting it, so (inaudible) concludes your report.

A: Exactly so that's it's progress.

Q: So you're just working on a conclusion report, you're not waiting for actual evidence?

A: No, all the evidence is in.

Q: Oh okay. The declination letters comes in from the DA's office which hasn't happened last month. Then IA gives me a date that their part of whatever they do with the closure memo which I have no idea what they do with, but anyway they give me a date that they need it by. And so that's my deadline. I'm not in any big rush until I have to. I have actual cases to work and not –

Q: So in a nutshell can you tell me what's your conclusion on the shooting?

A: I don't actually reach a conclusion. The District Attorney's office reaches a conclusion. They take my findings; my investigation and they determine whether there's any criminal charges that occur.

Q: Okay.

A: You know I handle the criminal investigation right?

Q: Uh-huh.

A: I don't know administrative, anything else like that. So if there are criminal charges that are pending or possibly could be brought against either Nieto or the officers in this case, that's what my investigation addresses.

Q: Uh-huh.

A: And then the District Attorney's office looks at my evidence, my interviews and my summary of what the evidence is and then determines whether criminal charges are warranted.

And in this case they've already done that and determined that there are no criminal charges that are pending against the officers.

Q: Okay.

A: So my investigation as far as the criminal investigation is over. However, my closure memo I think speaks to the administrative part of the job not the criminal part.

Q: Okay and the administrative part is just in regards to the officers?

A: And I don't have anything to do with that. But apparently the closure memo is part of their process. It's not really part of the criminal investigation. It's an administrative chore that I do that really has nothing to do with the criminal investigation which is why I wait till the deadline cuz I got better things to do.

Q: Okay do you know what was your deadline?

A: 29th of this month.

Q: Okay.

A: I already wrote it I just haven't (Inaudible)

Q: Okay those are all the questions I have for you in regards to (inaudible) okay is there anything else that you would like to add at this point in regards to this incident that I haven't asked you that you think is important?

HS: No. Would you mind if I asked a few questions?

Q: Go ahead.

HS: Certainly. Can you just briefly describe what your understanding is of the protocol regarding death notification in the City and County?

A: It's very straight forward. The Medical Examiner actually kinda guards (inaudible). it's their determination as to the who the identity of a deceased individual is, and they perform the notification of next of kin. And we don't have any role in that whatsoever. Occasionally, we will assist because we might have more information initially then they have in terms of family

members or notifications that they may be able to do. But we don't do those notifications ourselves. In fact, they'll scratch at you when we step on their toes about that.

HS: What happened this time, why was it different?

A: You know when we called over on the day after the incident to the medical examiner and I think they were having a problem with the prints. They sent the prints to Sacramento and for whatever reason they weren't able to get those fingerprints back, which is, normally if somebody doesn't have any identification on them you have to wait for the prints from Sacramento. And in this case it was some kind of, some bottleneck in Sacramento that precluded them from getting the information before we did.

HR: So if I understood your answers to Ms. Calderon's questions correctly, you didn't go to the Nieto's home with the purpose of notifying them of the death. You were there in the course of your investigation?

A: Yes.

HS: Is that accurate?

A: Absolutely. And we didn't know that Mr. Nieto was in fact the deceased until we ended up speaking to the family.

HS: And then is it accurate that during the course of your investigation that kind of naturally came out and they asked the question about why you were there?

A: They did. And in the past I've been in that position before and if we're able we usually try to put that off and say you know what we're not really qualified to tell you. You need to contact the medical examiner. But plainly, the evidence suggested it was. They were in distress and we felt you know that it would've been cruel really not to say that we believed it probably was their son. They were very nice in the interview by the way. They were very polite.

HS: Did you express your condolences?

A: Many times, yes.

HS: This is kind of ways to that interaction, but it also has to do with the ideation that you searched Mr. Nieto's room. Did the family invite you in -- like maybe the first question should be, can you describe what the layout of the house or apartment a little bit if you recall?

A: Yes, it's a second story residence on [redacted] It's a metal gate and a door behind the gate. So we rang the bell and I think the father and the mother both came down. And initially we had some difficulty communicating because we didn't have a Spanish officer with us. So we waited outside. I said to the Nieto family, I said, why don't we get someone here that can translate because obviously we had things to talk about. So, we waited for the officer to show up who speaks Spanish. And he asked can we come in and speak to you, you know, privately and they of course were gracious enough to allow us into the house. And you walk up a staircase and then you take a left turn into a hallway and then you're in the great room, which is the living room/dining room and you have a kitchen there.

HS: Sure

A: And I guess there's several bedrooms in the back, we never saw those. We were in the living room/dining room area of the house which is directly adjacent to the hallway that leads to the street.

HS: Did they ever ask you to leave?

A: No. No. It wasn't that kind of interview, it wasn't adversarial.

HS: [redacted]

[redacted]

HS: [redacted]

[redacted]

[redacted]

[redacted]

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[redacted]

HS: [redacted]

[redacted]

HS: I don't have any other questions thank you.

Q: Okay you just brought up –

HS: Oh good.

Q: I just wanted to know who was present with you at the Nieto's?

A: My team, Sergeant Burke and Sergeant Bonner and then the Spanish speaking officer whose name, I'm sure you can get access to all that. You have the audio tape of the (Inaudible) right?

Q: Yes. And at the Nieto home, who was present there?

A: Mr. and Mrs. Nieto. And there might've been other people there I didn't see. I have no idea.

Q: Okay are there any witnesses or other evidence relevant to this case you intend to submit on your behalf?

A: I'm not submitting evidence on my behalf.

Q: All right the interview is now concluded, the time is approximately 11:25 AM. Thank you for your time.

HS: Thank you so much.

END OF INTERVIEW

SFDPA - 0179-14 - 002010

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

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I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 20, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 002011

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: **SERGEANT RISKIN**

INTERVIEWED BY: **INVESTIGATOR HELEN CALDERON**

DATED: **APRIL 2, 2014**

Q: INVESTIGATOR CALDERON

A: SERGEANT RISKIN

HS: HARRY STERN

Q: Okay this interview is regarding OCC case number 1079-14 and is taking place Tuesday May the 19th of the year 2015, the time is approximately 3:35 PM at the OCC. Conducting this interview is Investigator Helen Calderon. The member being interviewed is Sergeant John Riskin, number 1915. His representative is attorney –

A: Did you say John?

Q: Pardon me?

A: You said John Riskin?

Q: Yeah.

A: That's not my name.

Q: Oh I'm sorry what is your name?

A: Seth.

Q: Oh, you know what, I was getting, I use a template and I had John Cagney this morning. I apologize. Okay Seth Riskin number 1915. His representative is attorney Harry Stern.

HS: You can call me John though.

Q: Sergeant Riskin, have you read the statements of complaints [redacted], [redacted], [redacted], [redacted] and [redacted] concerning an incident at Bernal Hill Park on March the 21st the year 2014?

A: Yes.

Q: Have you read General Order 2.08?

A: Yes.

Q: Have you read rule 21 of General Order 2.01?

A: Yes.

Q: Have you read section 1A of General Order 2.04?

A: Of course.

Q: You understand these orders?

A: Of course.

Q: Okay Sergeant, you're obligated pursuant to the above DGO's to cooperate with this OCC investigation, provide your full assistance and answer all questions posed to you during this investigation. Are you prepared to be interviewed at this time?

A: Yes.

Q: Okay. Sergeant how long have you been with SFPD?

A: My 26th year with the police department.

Q: Okay how long have you been a sergeant?

A: Let's see, (inaudible) can't do the math.

Q: Okay

A: (Inaudible)

Q: What is your assignment on the date of this incident?

A: I, sergeant, straight sergeant, straight supervisor at Ingleside Station.

Q: Okay so please tell me what brought you to the scene this, what brought you to the scene and what did you do while you were there?

A: What brought me to the scene were some multiple frantic 911 calls about a man with a gun in Bernal Heights hill.

Q: Okay and what did you do?

A: I responded. I arrived on scene after officers had located the suspect. They had pulled

their weapon on him and discharged their firearms at the suspect. And, I knew I was the first supervisor on scene. I would be handling that scene. I started procedures to do just that.

Q: Okay so I'll need to go into details of what the procedures were that you took.

A: First order of business was to locate my officers and make sure that they were okay, and they still had the same amount holes in them that they had when they woke up that morning. The first person I met was Sergeant Jason Sawyer and he informed me that he indeed the officers were okay. And then as I approached the scene of course I saw the suspect who had a firearm. And then talked to Sergeant Sawyer about the safety statement that we need to make and establish at that time. It was my responsibility as the first supervising officer on scene. Sergeant Sawyer is a supervisor of course but since he's involved that takes him out of the protocol for also managing that scene if he's involved. So that responsibility was left to me. Because Sergeant Sawyer is a supervisor and also very adept supervisor, he and I together went over the public safety questions. And we did just that. He covered the public safety questions for himself, as well as the three other officers involved.

Q: Okay and then what did you do after that?

A: I began to make notifications to the appropriate people who should be notified at the agencies and so forth. And established a crime scene and tried to clear the scene as (inaudible) as possible. Established a command post of course and made sure that medical personnel was on the way to render aid to the suspect. Pretty much it.

Q: Okay. And once the officers were identified, the ones that were shooting, what did you do in regards to them?

A: I ensured that they were removed from the scene, well at least the immediate scene. And other sergeants took care of that as time went on and other supervisors arrived on scene. I remember Sergeant Chan assisted me in that duty because I was handling the incident. So other people played roles and just automatically picked up what needed to be done. And since Sergeant

Chan also was a POA representative as well, you know, he's very well versed in those duties what needs to be done. So he helped me in that regard. And that's it. I do know they were separated. I did not personally oversee that specifically with each individual officer. I can't be three or four places at the same time.

Q: Uh-huh.

A: But I know that did happen.

Q: Have you worked with the officers that were involved?

A: Yes. Uh-huh.

Q: Okay. And when you arrived, what was happening with the suspect?

A: Well, the suspect came into my view he had already been handcuffed for his safety and the officer's safety. We were going (inaudible) prone on the ground as a result of the wounds and injuries he sustained from the discharging of the officer's firearm.

Q: Uh-huh. And was aid rendered to him, first aid?

A: I believe it was, but I did not witness it. I believe that initial first aid attempt occurred prior to my arriving on scene.

Q: Okay

A: As did the handcuffing. The handcuffing had been done as well like I said.

Q: Uh-huh. And when you arrived was the ambulance already?

A: No, the ambulance was not there.

Q: Not there okay. So, you didn't witness first aid, you said that was done before you got there.

A: Yeah, I didn't witness the officers first aid.

Q: Okay and now you're saying, I mean and you're saying that you didn't see any of that. The ambulance had not arrived yet?

A: No, I got there well before the ambulance arrived.

Q: Okay.

A: Cause I was an already responding officer. Had I not been coming from so far away-

Q: Uh-huh.

A: I might've been a shooter as well. I might have had a discharged weapon if I had gotten there sooner, so-

Q: So if aid was rendered before you got there and ambulance -- and you didn't see, was anyone with Nieto?

A: (inaudible) officers were in the immediate area. What do you mean with?

Q: So had he already passed? Had he died?

A: I don't know. I honestly don't know. I assume he did.

Q: Uh-huh.

A: He had head injuries.

Q: Uh-huh.

A: But I don't know.

Q: Okay the incident report I believe you reviewed it?

A: Well a year and a few months ago.

Q: Right, right. You were the one reviewing sergeant of that report?

A: Is my name (inaudible)

Q: Yeah it is.

A: I don't remember if I was or not, but I know I read it, but I don't know if I put my sergeant's stamp on it.

Q: Okay. Yeah here for the record now (inaudible)the sergeant a copy of the report 140-240-512.

A: I did review it and sign, yes. Uh-huh.

Q: Okay so I have a question. Okay so the incident report states that Officer Skiff?

HS: Schiff?

Q: Schiff.

HS: Yeah, yeah.

Q: Officer Schiff was providing first aid to Nieto. Did you see Officer Schiff with Nieto?

A: I just told you I didn't witness any of that.

Q: Okay. All right. And when I interviewed Officer Schiff, he mentioned he started to give Nieto first aid but then another officer took over. Do you know anything about that?

A: No.

Q: Is that something that would be documented in the police report? A change?

A: First aid, rendering first aid would be documented, or at least should be documented. I would certainly document it.

Q: Yeah, I mean it was documented but this change of –

A: Change of personnel, maybe, maybe not. I really, I don't know. That might be minutia, or it might be protocol. I don't know or it could be something in between.

Q: Okay.

A: But I mean the fact that first aid is rendered and should be rendered that's the big issue, that should be done.

Q: Uh-huh. Okay.

A: Regardless of who's rendering.

Q: Okay in your statement you also provided a statement. Did you review that statement before this interview?

A: A year and two months ago.

Q: Okay so here is a copy of the statement. If you want to review it.

HS: I haven't seen that so can I take a look.

Q: Sure.

HS: Thank you, appreciate it.

Q: Are you done reading?

A: Not yet, I'm a very slow reader. I'm still working on a book at home that I started a couple of years ago.

HS: There was a joke about

Q: Is it related?

HS: No, of course not. About speed reading.

A: Okay so I've read it.

Q: Okay. So I (inaudible) it notes there that you took photographs of the scene to document what it looked like before medical.

A: Yes, I did.

Q: Did you happen to see what type of aid the medical personnel provided?

A: Generally speaking I saw them go over to Nieto and do what they do. Specifically, no, I don't know what they did.

Q: Okay and in any of your photographs did you photograph anyone giving aid to Mr. Nieto?

A: At the time I made the photographs the aid had been completed.

Q: Okay.

A: Have you seen these photographs?

Q: I have a lot of photographs, but I don't know if those are ones that you took.

A: Well they should be included in all the photographs you would have seen I would think.

Q: Okay and did you sign – which officer was to prepare this report?

A: I didn't assign that officer. I guess that was Officer (Derog).

Q: Okay so how did he, how did he become the one to?

A: I think Lieutenant (Delgadio) who eventually took command of the scene, he felt and there might have been some other input from other lieutenants or a captain or two

Q: Okay.

A: And conferring with homicide. Now that – somehow the decision was made that Officer (Derog) should write a report. And I did speak with Officer (Derog) in that the role they confirmed with him, that he was gonna write a report. I'm not the one who, you know, I don't know how mad that decision nor did I order him to. That was from Lieutenant Delgadio.

Q: Okay. Did you have any other duties once you were done at the scene in regards to this incident?

A: Once Lieutenant Delgadio took command of the scene, no. I did coordinate a little bit of logistical things between station personnel at both at the crime scene and then at the station. Transportation and witnesses and officers and so forth and making sure that coordinating personnel in perimeter and outer perimeter. That was the extent of my duties once I was relieved by Lieutenant Delgadio.

Q: And then after that you had no other duties (inaudible)

A: Correct because by that time everybody else who was gonna show up did show up and it was there show.

Q: Okay. All right those are all the questions that I have. Is there any other statement relevant to this incident you wish to make at this time?

A: No. It's unfortunate but Mr. Nieto just forced the officer's hand. I could tell you that as I walked up initially on that scene.

Q: Uh-huh.

A: That even though the scene was secure, the incident was over, when I saw the weapon that he had.

Q: Uh-huh.

A: Which yes it was a taser.

Q: Uh-huh.

A: But when I walked up on it, I got scared and became fearful even though I knew that the weapon was gonna be discharged at me. I put myself in their shoes, in the officer's shoes looking at the weapon.

Q: Uh-huh.

A: And I thought holy crap, the guy really did have a gun. He was shooting at him or pointing it at 'em.

Q: Uh-huh.

A: And it wasn't until I got almost on top of Nieto that I saw that, oh it's a taser.

Q: Uh-huh. Can you describe it for me?

A: It's a black semi-automatic handgun and (inaudible) the size maybe of a 9-millimeter or a .45.

Q; Uh-huh.

A: You know at the distance the officers were at and even closing in on that distance as I was walking towards Nieto to survey the scene, I could not identify that weapon as a taser until maybe 10 or 15 feet away from Mr. Nieto. So I mean I put myself in their shoes and yeah that's scary even to me and the scene is over with.

Q: Uh-huh. And then once you got close what did it look like?

A: Well once I got close and saw that it was a taser, that he had actually discharged the taser which is still an incapacitating weapon

Q: Uh-huh.

A: Danger to officers as such anyways.

Q: Did you see markings on it?

A: Pardon me?

Q: Did you see markings on it?

A: Yeah, I saw the yellow markings, but they weren't evident from beyond 10-15 away. I couldn't see them until I, and they're only on the side. If you're looking at the weapon straight on from the front, can't see it.

Q: Uh-huh.

A: It's all black and it's got the shape of a gun and it looks like yeah. That was pretty scary for me.

Q; Okay. Well, are there any witnesses or other evidence relevant to this you wish to submit on your behalf?

A: I don't know of any that you already or anyone else hasn't already interviewed.

Q: Okay.

HS: No, thank you.

Q: Okay if there's nothing further, I will conclude the interview, the time is approximately 3:54 PM

END OF INTERVIEW

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

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I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 12, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 002023

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: **LIEUTENANT SAWYER**

INTERVIEWED BY: **INVESTIGATOR CALDERON & UNKNOWN FEMALE**

DATED: **MARCH 31, 2015**

Q: HELEN CALDERON

UF: UNIDENTIFIED FEMALE

A: LIEUTENANT SAWYER

HS: HARRY STERN

SSC: SERGEANT CAMPELL

SC: We're packing and so I kind of packed that stuff away.

HS: Oh, that's right. You go and moving down to the, the coast-

SC: Yeah.

HS: That's exciting.

SC: For better or for worse, I guess.

HS: It'll be better.

SC: So, you want Lieutenant Sawyer to be read *Lybarger*, is that what I'm getting?

HS: Yeah. If, if you would. And just so you're clear, we're here at the OCC.

SC: Uh-huh.

HS: And you are now, it looks like being recorded, is that the case?

Q: Yes.

HS: Okay. And I'm here on a follow up companion investigation that the OCC is conducting into a March 21st, 2014 officer involved shooting-

SC: Okay.

HS: Involving now Lieutenant Sawyer and others. So, if you would do the honors and this is my fault because I always request that even and it may not be necessary. So, apologies.

SC: Oh, no worries. Okay. I'm going to go ahead and read through this. And pardon me for any little fumbles because I had to change the wording for this situation. So, here we go.

Through the nature of this administrative investigation, Government Code Section 3303H requires Lieutenant Sawyer, that you're advised of your constitutional rights. Therefore, it's important that you understand that criminally, you have the right to remain silent. Anything you say may be used against you in court. And you have the right to an attorney before and during any questioning. Do you understand each of these rights as I've explained to you?

A: Yes, I do.

SC: Okay. And again, pardon me, this is Sergeant Janey Campbell from the Internal Affairs Division. And Lieutenant Sawyer, with these rights in mind would you like to speak to the OCC investigator now?

A: I would not.

SC: Okay. While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer any of the questions, administratively. This is an administrative investigation. I work for the Management Control Division of San Francisco Police Department and as a designee by the chief of police, I'm ordering you to answer all of the questions by the OCC investigator fully and thoroughly. If you refuse to answer their questions, your silence can be deemed insubordination and result in administrative discipline up to and including termination. Any statement you make under compulsion of the threat of such discipline is for administrative purposes only and cannot be used against you criminally. Your statements and any information gathered will be held confidential consistent with California Penal Code section 832.7 and information gathered will be not, will not be divulged except as required by law. Lieutenant Jason Sawyer, are you prepared to be interviewed at this time?

A: Yes. I am.

SC: Okay. That concludes my portion.

HS: Sergeant Campbell, thank you very much. Once again, sorry to bother you, please tell everyone I said, hello. I'd offer to help pack but that's probably my least favorite thing in the entire world.

SC: Okay. Thank you.

Q: Thank you, Sergeant.

SC: Okay. Take care.

Q: Okay. This interview's regarding OCC case number 179-14. It's taking place on Tuesday, March the 31st, the year 2015. The time is approximately 9:46 AM, at the OCC. Conducting this interview, conducting it is Helen Calderon. Also present is acting Sr. Investigator, Sherry (Fletcher). The member being interviewed is Lieutenant Jason Sawyer, number 1127, his representative is attorney Harry S. Stern. Lt. Sawyer, have you read the statements of complainants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted] and [redacted], concerning an incident at Bernal Hill Park on Friday, March the 21st with the year 2014.

A: Yes.

Q: Have you read General Order 2.08?

A: Yes.

Q: Have you read rule 21 of General Order, 2.01?

A: Yes.

Q: Have you read section 1A of General Order 2.04?

A: Yes.

Q: Do you understand these orders?

A: I do.

Q: Okay. Lt., you are obligated pursuant to the above DGO's to cooperate with this OCC investigation. Provide your full assistance and to answer all questions posed to you during this

administrative investigation. If you're representative interferes with or obstructs this investigation you will be deemed to have failed to cooperate and be subject to discipline for violation of the DGO 2.01 and DGO 2.04. Lieutenant, are you prepared to be interviewed at this time?

A: Yes.

Q: Okay. How long have you been with SFPD?

A: In June, it'll be 20 years.

Q: Okay. And how long have you been in law enforcement?

A: In June it'll be 20 years.

Q: Okay. And what was your assignment on the day of this incident?

A: Patrol Sergeant. My call sign was 3 Henry 104 and I was conducting, I was also a field training officer sergeant. So, I was doing a recruit ride along.

Q: Okay. Okay. We're you in uniform that day?

A: Yes. I was. Class B uniform.

Q: For me, can you describe what that uniform was?

A: Yes. It's the standard uniform that most people picture a police in. It's wool pants, dark blue in color or navy. A wool shirt with the San Francisco Police Department patches on either shoulder. Gun belt. Boots, star, name tag, radio.

Q: Okay. And what equipment did you have on your person?

A: I have everything that was required of me. I'm wearing my bullet proof, or bullet resistant vest. I have on my issued uniform. And then I have my department issued gun belt as well, which includes handcuffs, OC, pepper spray, my department issued firearm.

Q: Okay.

A: Radio.

Q: And what was your primary weapon that day?

A: A Sig Sauer 229 pistol.

Q: And did you carry a backup weapon that day?

A: I do not. A correction, it's actually a 228 is what I'm carrying now.

Q: Okay. And then-

A: Yeah. Same, same, yeah, same gun.

Q: Okay. And was your gun fully loaded?

A: Yes.

Q: How many bullets (inaudible)

A: So the magazines hold 12 and there's one in the chamber. So, it holds a total of 13.

Q: And did you have extra magazines with you?

A: Yes.

Q: How many?

A: 2.

Q: And what less lethal options did you have available on your person that day?

A: I have an ASP, which is like an extendable baton. And I'm authorized to carry the ASP from, I'm also, at the time was also a specialist sergeant. So, we can go through a training and carry an ASP in lieu of a department issued baton. And I also had pepper spray with the OC spray.

Q: Okay. And were you in a vehicle that day?

A: Yes. San Francisco Police Department marked Crown Victoria.

Q: Okay. And do you remember which specific vehicle that was?

A: No. I do not remember the, the vehicle number. I can tell you it was a, a black and white marked police vehicle with the light bar on top. I don't recall the-

Q: Okay.

A: The vehicle number.

Q: Okay. Were you the driver or the passenger?

A: I was the passenger.

Q: Okay. And what equipment did you have in your vehicle?

A: So, I'm also, as I mentioned I was a specialist sergeant. So I have my specialist gear which includes a 223 rifle. And then my, called my, what they call, call out gear which is a tactical command post kit, extra magazines and ammunition, a helmet, gloves. Gas mask. That's most of it.

Q: Okay. Okay. Before I move on, did you have any?

UF: Uh-uh.

Q: Okay. All right. Well, Lieutenant, please tell me what brought you to the location that day and please describe to me in a, in a narrative form. What occurred with the Mr. Nieto that day?

A: Sure. So, Officer Schiff and I were finishing up a traffic stop on, it's right where Randall, San Jose and Mission all meet. There's a gas station there. There was a call of a man with a gun up on Bernal Hill, up by the radio tower and we responded to that call.

Q: Okay.

A: You want me to keep going?

Q: Yeah. What all, what all happened after that?

A: So, the call, the initial call that we received was a man 6'2", 220 pounds, a red either jacket or sweatshirt. I don't remember which it was. Black pants. And was armed with a gun on his hip. And I found that peculiar, specifically being mentioned on his hip. I don't remember the number of calls, but there was more than one call. We started a response from our area and drove from Cortland up to, I believe it's Anderson Street, which drives in a northbound direction. Straight up to the south side of the park. We drove around the park in a counterclockwise, I'm sorry, a, yeah, counterclockwise direction. And we didn't see anything at that time. We saw

another radio car coming in a clockwise direction. And I asked them, they didn't see anything. So, we continued to drive around. We asked headquarters for an update. They said, there was a man who was eating a bag of chips coming down the foot path. Which was more on the northside. So, we drove our car up on to the foot path and ultimately encountered Alejandro Nieto

Q: Okay. What happened?

A: So, while we're driving up, which is important to note, because of the fact that the gun was on the hip. I was brainstorming with officer Schiff about scenarios. I go to a lot of gun calls and I don't ever recall having one so specific as to a hip. A lot of times guys, they have a gun in their waistband, waving a gun, something like that. But you rarely hear one in a hip, which implies a holster. I don't specifically remember if the word holster was used in the, the CAD, but I do remember it was on his hip which implies the guy might be carrying it in a holster. So, as we're going up, I was brainstorming with officer Schiff, telling him to remember time, distance, cover. We may have to split up, present multiple targets if it's a, a real call. Give yourself lots of time to react. Look toward the right side of his hip cuz most people will be right-handed. So, take a look there first and see if possibly you can see the gun. So, we're going over the, the possible scenarios as we're driving up. We're getting updates from dispatch stating the location that he was on this foot path. As we drove up the foot path.

Q: (Sneezes)

A: Bless you.

Q: Thank you.

A: Because his clothing description was so distinctive, as we're driving the foot path, there's no other people. There was one pedestrian that was walking down the foot path and from the uphill toward the downhill that passed us that didn't, I don't recall what that person was wearing. But they didn't fit the description at all. That person walked past us, and I could see in the

distance up the foot path a person who was later determined to be Alejandro Nieto, who fit the description. So, Officer Schiff stopped the car and it was probably, I'm going to estimate 100 yards back. And actually kind of joked with Schiff, Officer Schiff saying, I know I told you to give time, distance and cover but we gotta get a little closer. So, he continues to drive the, the radio car closer. We stopped the car, I estimated, I'm going to say probably 25, 30 yards away and right away I could see a bulge on the right side of Mr. Nieto's hip. His description was exactly as what we were provided and there was no other people there. So, the nature of the call right away, when Officer Schiff stopped the car, he went to the left side, the driver's side, obviously. I went to the right side, behind the (A pillars). Drew our weapons and was yelling for Nieto to show me his hands. I remember specifically saying, "show me your hands, show me your hands, show me your hands." He dropped the bag that was in his hands. And he's walking towards us the whole time. So, he's coming down the hill. We stop our car, my guns out, Officer Schiff's guns out, we're yelling, show me your hands, show me your hands, show me your hands. We're not even stopping, he lifts up his sweatshirt, pulls out a gun, points it right at us and says, "you show me your hands." When the gun came out, I can see a laser sight on. It's very clear to see, very, very easy to pick up. Right away I see the laser. He stops walking once the guns out and basically gets in to, I call it like a Weaver stance where you square off your shoulders. Legs about shoulder width apart. And he brings the gun up right at us. He has no cover, nothing. He's just, right at us and at that point I thought I was going to get shot, or Officer Schiff is going to get shot and I fired at Officer, I'm sorry, at Mr. Nieto.

Q: Okay. Then what happened?

A: So, I fire. We're at a distance now, somewhere around 30 yards. At that distance I can, I can clearly see the laser emitting from the front of the gun. I'm yelling the whole time, "drop the gun, show me your hands. Keep it up." I fire, expecting him to drop the gun, go down, something. There's no response. He's still up. He's still pointing the gun at us. I continue to fire.

I continue to fire. At some point, he goes down to one knee. I don't know if he was taking a, a prone stance on purpose or if he was going to his knee because he got shot, I don't know. But he goes into a prone position. Head toward us, his feet behind him. And the gun comes back up, his head is up the whole time. I could still see him. I continue to fire. I'm screaming the whole time commands to drop the gun. And I continue to fire until I saw his head drop down and the gun, which was in his hand, faced us, dropped down to the side. So, his hand kind of went over, indicated to me that he went limp. At that point I yelled, cease fire and coordinated a plan to go up and handcuff him.

Q: Then what happened?

A: So, I know I had fired, I know officer Schiff had fired. I did not know that officers Morse and Chew cuz they were arrived behind us. I did not know at the time that they had fired. But I know after the shooting was done, officer Chew was behind me. I don't remember if officer Morse was right behind me or had gone over behind Officer Schiff. But some point Morse was with Schiff and I was with Chew and I, I basically put us in like a skirmish line. So, we went up four across, move toward Mr. Nieto, still guns out, still giving commands. Telling him, "don't go for the gun, let me see your hands." He was not responsive. We went up, one of the officers kicked the gun out of his hand. And then, I don't know who handcuffed him, but I remember I ordered him handcuffed and then start doing CPR. And I don't remember who handcuffed him and I was, at that point I'm also the supervisor at the scene, unfortunately. So, it, I'm still in charge of the scene until relieved. So, I start coordinating. I'm on the air putting out the information that we had. We're calling for an ambulance. Calling for a Lieutenant trying to secure the crime scene. And then I'm trying to now worry about, at that point, I determined, cuz I have to worry about the well-being of the officers, and we're supposed to basically leave the scene, once we get the personnel there. So, I found out at that time that I was going to have one

of those officers stay with Schiff until I found out they also had fired. Which I did not know until that moment.

Q: Then what happened?

A: Once another supervisor, Sergeant Riskin arrived, I briefed on what happened. I then waited to ensure that the other three officers were basically with another peer, taken away from the scene. And then, as other officers arrived to basically protect the crime scene. Then I also left the scene and went back to the station.

Q: Okay. And does that conclude your narrative, or?

A: Yeah. I mean, unless you have further questions.

Q: Yeah.

A: To ask like when we got back to the, the station, or?

Q: Yeah. Did you do anything else when you went back to the station?

A: No. At that point it becomes administrative, so.

Q: Okay.

A: I mean, I'm at the station, I'm waiting for my representation-

Q: Okay.

A: The process goes with interviews.

Q: All right. Okay. You'll have to excuse me, some of these questions are going to seem redundant.

A: No. It's okay, I understand.

Q: I have to ask them. Okay. Okay. So again, what brought you to the location in the first place?

A: So, as I stated, we were going to a gun call. But the location was provided by the, the caller, whoever called 911 that brought us to Bernal Heights. And then, as I stated, once we got there we did not initially encounter Mr. Nieto-

Q: Uh-huh.

A: We drove around the perimeter. And we had an updated information from dispatch saying that he was coming down the foot path.

Q: Okay. Okay. And do remember what, how the gun call came out, how it was broadcasted, what information were you given?

A: So, it comes out as a 221 call, which is the man with the gun. So, I remember we had a 221 call and it was, then we got the physical description as I stated, 6'2", 220, black pants, red jacket or sweatshirt, gun on the hip.

Q: Okay. And what was your reason for contacting Nieto?

A: Once we drove up that foot path, he was the subject which matched the description and he was the only person that we encountered that fit that description.

Q: Okay. And what other information did you receive prior to responding to the call other than the call that came out? Any other info?

A: You know there was small updates about, I think initially he was on a bench eating. And then as he, we got those updates, other than that that's the, the (inaudible) that I remember.

Q: Okay. Okay. And how did you approach the scene?

A: So, we were driving up the foot path along the way that's the only way to get to the top. And then as soon as we saw a man fitting the description, as I stated, I think initially I saw someone in a red jacket or sweatshirt about 100 yards away. That was a little bit too far to make an encounter. So, we continued to drive forward to a distance of about 25 to 30 yards. And the only cover that we could have from there was the radio car.

Q: Okay. And how did you, how did you position your vehicle, or how was it positioned?

A: So, the foot path is not very wide. So, as we were driving up the foot path, we stopped, basically, in like a head on position. We're driving up the foot path, he's walking down the foot

path. Officer Schiff stopped the car, 30, roughly 30 yards away, directly facing him. And then we opened the doors and exited behind the pillars.

Q: Okay. (inaudible).

UF: Sure.

Q: I have a diagram. It's not to scale and if you could just show me where your vehicle was positioned and where Nieto was and-

A: Gotcha. Okay. So-

Q: So-

A: If this is, I'm assuming this is north, this direction here. This is where Folsom would feed up into it.

Q: Yes. Yes. That's the Folsom area.

A: Okay.

Q: And here's benches just to give you a (inaudible)

A: Right. And so, as you, this, as this goes downhill-

Q: Uh-huh.

A: Correct. And as you go downhill that's where the circular part goes.

Q: Uh-huh.

A: So, somewhere in here, and again, I actually don't know exactly where we were.

Q: Right. It's not to scale.

A: Roughly, you know, halfway up. So, if, if Nieto is walking down this direction, the other thing to be clear, is if you go up this-

Q: Oh, oh sorry-

A: Oh, I'm sorry.

Q: I just want to explain my diagram a little bit. Okay. So, this is the pave, this is a paved road, I guess. Okay. And then is a, a hill, mountain, where the hill is.

A: Okay.

Q: And some grass. And then here there's some benches and this is a dirt path. And then this is grass area, and this is a down, it goes downhill. And then there's houses on this side.

A: Right. Okay. So-

Q: Okay.

A: So we never got up to the actual benches, so-

Q: Right.

A: I don't remember if the benches are right here, if they go around the corner.

Q: Yeah. They're kind of almost near the corner.

A: Okay. So, we weren't this high up.

Q: Right.

A: And if you are on this road it's actually not arrow straight. It kinda has a little curve to it. So when we first, from the very, very bottom, start to drive up the road, you almost can't see straight up cuz it kind of goes around a little bit of a bend.

Q: Uh-huh.

A: As we moved up, say a third, maybe around there was when we could see Nieto initially somewhere up here.

Q: Okay.

A: On encounter, again, he might've been somewhere along this path.

Q: Uh-huh.

A: Again, I'll just put him right in here let's say.

Q: Okay.

A: A radio car, as we're driving up in this direction, officer Schiff, so, we're going in that direction.

Q: Okay.

A: Stops the car around here. So, he gets behind the A pillar here, I get behind the A pillar here and we're both facing directly at.

Q: Okay. And then, could you just put something to indicate where you were at? Either your star number, or. Your name, okay.

A: Uh-huh. So, I have, this is where I would be.

Q: Okay. So, that's where you took cover.

A: Correct.

Q: Okay.

A: Cuz again, I don't know if you've physically been there, but you have this side going up the hill.

Q: Uh-huh.

A: This side going down the hill and both sides are pretty steep.

Q: Uh-huh.

A: There's nowhere to go from here.

Q: Uh-huh.

A: You can't, there's also, it's not as if there's lots of rocks or trees, there's nowhere for cover. That's why when I was discussing this going up, obviously a man with a gun call is a very serious call. You have to use what you have. It would make no sense for us to, you know, run out and try and run up and contact the guy. So, we use our car for our cover.

Q: Okay. And then you, you mark the next (inaudible) Nieto. Okay. And then-

UF: (inaudible) can I ask you, you referred to A pillar a couple of times, can you describe for us what that means?

A: Sure. So, your A pillar, for here is, what you commonly think about if you're, if you're seated in your car, facing forward, you have your windshield. And you open your door, that

piece of metal, that holds, basically holds your windshield in that your door connects to, that's your A pillar.

UF: And from the diagram you were in front of your door?

A: No. No. Behind it.

UF: Behind the door.

A: Yeah. And I'm, so, think about, I'm on the passenger side. So, I open my passenger door up, I kneel down behind that. So, all that's facing is my gun is between -- my head and my gun are between where you open the door up. That area that opens between, so, the windshields to my left, the door is open and I'm in between that area. Right. It doesn't make sense for me to leave that area. Although, that's not gonna be bullet proof per se. Like the engine block might. It's, it gives me shooting (inaudible) on, on both sides as opposed to exposing myself.

Q: Okay.

UF: And your window on the door, was that open, down?

A: Yeah. The window's down. But remember I'm not, the doors over to my, my right.

UF: Your right.

A: But, I'm not at an angle for him to shoot from that side. I, I'm head on.

UF: Uh-huh.

Q: Okay. Did you call for backup once the vehicle stopped?

A: Yeah. In fact, if you listen to the CAD tape, or the dispatch tapes, we put out over the air our direction we were going. We initially put out that we don't see him. Then we got the updates as we were going up the foot path. We put as well, we have a man, we're taking one on. I called for a code 33 cuz we were taking a man on.

Q: Uh-huh.

A: And then, you hear updates on the air. And at one point, I keyed the Mic and I was actually talking during the shooting. You can actually hear the gunfire and we did a magazine and reload as well. Cuz you could hear one of us yelling red, which is basically when you're out.

Q: Okay. And just, and just, can you tell what the code 33?

A: It's, it stands for clear channel for emergency.

Q: Okay.

A: And basically, it alerts everybody on that channel to keep the air clear. Cuz if, if you listen to the CAD, as we're driving up, the call alone, going to a gun call, most people will stay off that channel out of courtesy because it's a dangerous call by nature. But you'll hear, there's a, we share that channel with Ingleside, Taraval and Richmond. You'll hear other units, they were asked, I think someone might ask for a case number. Someone will ask for a call back to some other call that they were on. So, the other radio traffic going on -- So, once we encounter him, we say, code 33 and it just clears the air, so everybody listens up going okay somethings going on. And then, then there's nobody talking, they reserve it. If someone needs to-

Q: Okay-

A: Call for a case number, something else they can go to an alternate channel.

Q: Okay. And then you, you mentioned that you keyed the Mic. So, was that separate from-

A: So. No, the keying the Mic is when, when I want to talk or anyone else wants to talk.

Q: Okay-

A: You just push down on the talk button and key the mic.

Q: So, when you key, you have to keep on pressing the button?

A: Yeah.

Q: It's on the whole time?

A: No. Correct.

Q: Okay.

A: Yes.

Q: Okay. And did you call for a supervisor once you stopped the vehicle, call for backup?

A: I am the supervisor.

Q: Okay.

A: At that time.

Q: Okay.

A: So, I, I don't need to call for, once the, after the shooting, I did call for a Lieutenant at that time but as far as for the backup I was supervisor.

Q: Okay. Okay. And can you describe the scene to me? Once you stopped the vehicle?

A: Sure. So, the, were facing a, a slightly uphill paved path. To my right which is a, a northerly direction, is basically a downhill, extreme downhill slope. To my left, to the south, is an extreme uphill slope. And as we look forward, which is to the west, it continues to just go easily uphill and there's nothing in the backdrop. There's, it basically goes to almost open sky. If you could, cuz it, it continues to go uphill. So, I'm not even looking flat into homes. It continues to look up toward the sky. It was around 7 o'clock PM. But we were completely (inaudible) by daylight. The suns starting to go down but it's, it's well lit. It was easy to see. I did not require a flashlight or spotlights, or anything like that for illumination. And there was no other people that I saw. Other than the initial person that passed us on the path, there was nobody that I could see behind Nieto up the hill.

Q: Okay. So, it was clear, and what was the weather like?

A: So, I don't remember the exact temperature. I mean it was warm enough. I mean it was definitely, I did not have a jacket on. And although I normally have one, but I, I did not have it on. It wasn't raining, so the weather was you know clear, not overcast.

Q: Okay. Okay. Can you describe Nieto physically once you arrived at the scene?

A: Sure.

Q: When you stopped your vehicle?

A: Yeah. So, you, you want to, me to reiterate the physical description?

Q: Well-

A: His mannerisms.

Q: Yeah. No, when you first stopped your vehicle and you saw him, can you describe him physically?

A: Sure. So, again, about, about the, the call, said it was about 6'2", 220. I'd say that's relatively accurate. I don't know if it's his exact height, but he was 6 foot, or above. He was heavy set. So, he was probably 220 or maybe a little bit more with a, like in the red sweatshirt or jacket and the black pants.

UF: Could you determine whether it was a sweatshirt or a jacket?

A: I just don't remember. I mean, and I don't, I don't remember if the call was a sweatshirt or jacket and now, my independent recollection, I just remember it was red. I don't remember, I know where he pulled it up, so I don't know if it was a zip jacket that he pulled up or if it was a sweatshirt. I just, like I said, I don't remember.

Q: Okay. And what was Alejandro Nieto doing when you arrived at the scene, before you stopped your car?

A: He was walking towards us.

Q: Okay. And at that time, can you describe, I guess his, I don't know if you could tell the demeanor at the time when he was walking to you.

UF: Behavior?

Q: (inaudible)

A: Yeah, the. The only thing that I see at that point, is he's walking towards us. Well you know, he's not sauntering. He's like, he's, he's walking like he's coming down the path at a, at a pretty good speed. He's not, he's certainly not running. But he's not just out causally looking

around. He was seeing us and like hey, what's going on. He was coming down, coming down the hill right towards us.

UF: Did he have anything in his hands?

A: He had a bag, I thought it was a bag of chips. I think it's what the, the caller said is to. I don't remember if it was a bag of chips. It could've been a bag of candy. I don't remember exactly what it was. But he had something in his hand cuz he, he threw that down when he lifted up his sweatshirt.

Q: Okay. And you said earlier that he, there was no one with Nieto at the time?

A: Correct. He was by himself.

Q: Were you given any information prior to your contact with Nieto regarding his mental health status?

A: No. At the, the time we did not know his name or who he was. Just the description.

Q: Prior to your contact with Nieto, did you observe any erratic or irrational behavior?

A: Prior to my encounter with him?

Q: Uh-huh.

A: No. I'd never seen him before.

Q: Okay. And then when you first saw him, were you able to observe any behavior that was erratic or (irritation)?

A: Well, I would certainly say his behavior was irrational, in the sense that we're -- as we established, we're in a police car, in uniform, when we drive up and we stop this car and we come out with our guns out giving me orders, show me your hands, show me your hands. Here's a man who has no cover. Nothing to do. He's coming down the hill aggressively. People that I've had in the past that are armed, they might run, they might display a gun to the side. Put in the air, whatever, nobody's going to go toe to toe with us coming down the hill because he has nowhere to hide. He can't take cover. So, I, I would certainly say the irrational behavior is when

uniformed police officers giving commands, show your hands, with our guns pointed at him. I would say a rational person would like stopped, argued with us, something.

Q: Okay.

A: He, he did not in any way decide to ask questions. Say hey, what's going on? Why are you stopping me, nothing like that. He's, he's, he's walking towards us and upon saying show me your hands, he says to me, "show me your hands" and then pulls up his sweatshirt and, and pulls out a gun. Which I know turned out to be a taser but at no point does he stop to engage us in questions or anything other than I would say irrational behavior.

Q: Okay. Thank you. I, I meant, before you contacted him, did you observe anything? it sounds like it's, it's a no?

A: Right. Okay.

Q: Okay.

A: I'm sorry.

Q: It's okay. We're going to get into more detail about, about the movement and all that but I just wanted to know if you observed anything before. Okay. And then, were you able to discuss any tactics prior to contacting Nieto. Nieto?

A: Yes.

Q: Okay. And what was, what were those tactic?

A: So, as officer Schiff and I were driving up, I'll reiterate what I said before. We were driving up and because of the nature of the call, we talked about you know possibly a right-handed shooter. We talked about splitting up to give two targets. Cuz if anything it might cause a shooter to hesitate because instead of having you know one target he now has two. So, he has to decide who he's gonna shoot if he engages. We talked about maintaining cover as often as you can. And giving enough distance because sometimes we're, we're so used to going hands on you

just want to drive right up to the person which reduces a reaction time. So, we talked about time, distance and cover. Where to go, split up. I think that about covers it.

Q: Okay. Okay. And then, once you arrived on scene, were you reflecting your proper status such as, you know, 10A, or, I mean, 10-98, we're you-

A: 97.

Q: Oh, sorry, 97.

A: Yeah. So yeah. We, we had given dispatch, initially when we drove up there. We were driving around so we couldn't make contact. We ran into another unit going the other way. We said to headquarters, the other unit we can't find him. And then, once we got the update, he was on the foot path, we give headquarters the update once we encountered him. So-

Q: Okay.

A: We are on, on CAD from dispatch saying that, oh, yeah, okay, we have one. We're going to encounter one.

Q: Okay. And what was your communication with your partner or in this case the trainee, Officer Schiff, right?

A: Yes.

Q: Or other officers when you arrived?

A: So, at the time, officer Schiff and I were the first arriving unit.

Q: Okay.

A: And the other officers that showed up I don't know exactly what point they arrived because obviously they came from behind us. So my communication during the shooting was only with officer Schiff until the end. My communication with officer Schiff was pretty much as we described. We had kind of table talked this going up. Once we encountered Nieto, as I said earlier, we were probably somewhere around a hundred yards back in the beginning. So I said, okay, well we can go ahead and move up. We moved up to the distance of 25 to 30 yards and

that's when we both exited the car and I just remember making sure he did not break cover by coming around the door and he was fine. He, he knelt on his side, behind the driver's side and I was behind the passenger side. And so, we basically followed what we had done and then from there, yelling verbal commands to Mr. Nieto.

Q: Okay.

A: And then after that, we're not having -- the only other communication we had was as I stated, once there was a reload, you know, red, which is lets the other partner know that you're out. So I heard him yell, red. I yell, covering, so it allows him to know, he's telling me he's out of ammunition and has to reload. I'm telling him, I hear you, I understand, and I have you covered.

Q: Okay. And then, just again, where were you at the time? In relation to the car?

A: On the passenger side by the, the A pillar which again, picture me getting right out of the footwell, kneeling down with the door open.

Q: Okay. And what was the distance between you and Nieto when you encountered him?

A: I know the exact distance now. I would estimate at the time about 25 to 30 yards.

Q: And, and what did you do when you saw Nieto?

A: So, we, we drew our guns, due the nature of the call. We took our position of cover, and we're giving him verbal commands to show his hands.

Q: Earlier you mentioned you'd never seen Nieto before?

A: Correct.

Q: Okay. Were you able to identify yourself once you stopped the vehicle and say, drew your weapons and came out?

A: Yes.

Q: What did you say?

A: I don't remember.

Q: Or how did you identify yourself?

A: If I, I don't remember if I said, stop, police. Or, but in essence it was, show me, police department, show me your hands. It was either police, or police department, something to that effect. And then, show me your hands.

Q: When, when you came out and identified yourself, at that point was it more of a casual tone or were you already giving him command?

A: As soon as we made contact with him, I'm telling him, show me your hands, show me your hands, right away.

Q: Now, can you please describe what Nieto did to make you believe that he was a threat?

A: Sure.

Q: Oh no, I'm sorry. Before we get there, okay. So, you gave him the command to show me your hands. And then, what did he do when, when you yell that command?

A: He immediately responded with "you show me your hands."

Q: And at that point, did he already -- okay, so you gave him a command to show me your hands. At that point, did he have his weapon out yet, or not yet?

A: No.

Q: Okay. And then, you said, he responded, show me your hands?

A: Yes.

Q: Did he, did he comply at any time?

A: No.

Q: Okay. And then, after he said, show me your hands, what did, what did he do or what did you do?

A: So, as soon as he reiterated to me and told me, told me to show him his hands, if that makes sense. So, I'm yelling at him, show me your hands, show me your hands. He says to me, "you show me your hands." He immediately dropped whatever it was in his hand, whatever bag

it was. Pulled up his jacket or sweatshirt with his, on his right side. I could see that he had a gun on his, on his hip. He pulled it right out, pointed it right at us, and I could see that red laser.

Q: Okay. Okay. And when you gave him the, the first command to show you, show me your hands, show me your hands, at that point did you believe he, he was armed?

A: I believed possibly he was. Cuz when I'm yelling for him to show his hands, I'm, the information I have at the time is that I have multiple callers saying there's a man with a gun. As he's coming down the hill, I encounter the only person that fits that description and he's got a very obvious bulge on his right side.

Q: Okay. Okay. Excuse me. Okay. And could you describe the weapon that Nieto had? When he pulled it out?

A: So, as he pulled it out, he pulls it out and points it directly at me. If this makes sense, comes straight out and I'll I can see, I can see it's black. We're in a distance of about 30 yards so I can't tell you too much about, other than it's black and it resembles a firearm. And there's a laser coming out.

UF: Can you talk a little bit more about the laser coming out of it?

A: Sure. So, I now know cuz I'm not very familiar with tasers or wasn't. But it can be a taser or a pistol you can get a red, like a laser pointer. You, I'm sure you've seen them, or you've been using for your slide shows or presentations. But they also make them for firearms as well. And basically, it's a laser that aims. So, instead of you having to look down sights, once you sight the laser correctly, wherever you point the laser is where you're gonna shoot. So, a taser, apparently has a laser as well. So, when he pulled the gun on us and I see the laser on there, I have had encounters with suspects with guns with lasers on in the past.

Q: Okay.

UF: Is there a color too it? Was it lit?

A: Red. Yes.

UF: Could you see the red laser on you? Or your vehicle?

A: No. You don't, so, if it's going to be on me, I don't remember looking down to specifically see it pointing at my body. I'm looking ahead with my gun up. So all I can see, I mean, if the lasers you know roughly 30 yards away you can tell that it's on but whether or not it's directly on me or Officer Schiff I don't know cuz I, I wasn't paying attention. I was looking basically downwards towards Nieto.

Q: Okay.

UF: But you could see it illuminated?

A: Oh, it's real easy.

UF: And pointing your direction-

A: It's really, really easy to see. When those things are turned on.

Q: Did you see any markings on Nieto's weapon?

A: No. He did not display the gun sideways. So I know again, after the fact there's I think like a yellow and black sticker on it or something. On either sides. At no time did he turn it, display it, anything other than point it directly at us.

Q: Okay. Did you see any color from stripes on the weapon that Nieto had?

A: Just to be clear, at what point? Cuz I, I-

Q: When he pulled it out?

A: No.

Q: How was he holding his weapon. Nieto, how was he holding his weapon?

A: He, he, so he pulls it out with his right hand. He joins his hands together. I, I described before as what they call a Weaver stance. But, he starts holding two hands and brings it up.

Q: And you mentioned that, you don't, you don't know where he was pointing it at the time?

A: Well, I know it was pointed at us.

Q: Okay.

A: I just can't tell you if the laser, cuz, you figure, if we were this close, if I have a gun pointed directly at you, you're going to be able to see it. If we're 30 yards away and have the gun out like this, it's not going to take much if it's this or this way, to, to split the difference between two of you. It's difficult to tell if it's directly at me or directly at Schiff from that distance. But I know it's pointed right down towards us.

Q: Okay.

UF: Would you say his arms were fully extended?

A: Yes. Which is going back to the Weaver stance. That type of stance is a typical shooting stance that you would see a person who's gonna hold a gun in two hands. Legs shoulder width apart. Arms fully extended with the gun coming up so that they can see down the weapon. And he doesn't take his time to, as I said, display it. He, he's walking, he's not listening. Gives us his command back for us to show him his hands, or us to show him our hands. He pulls it out, points it at us, lasers there and there was no time lapse at all, he's doing it as quickly as he can.

Q: Okay. And I'm sorry, this sounds redundant again. Can you describe the movements that Nieto made at this point when he drew the weapon?

UF: Covered already.

Q: Okay. Scratch that one. We covered that.

A: Okay.

Q: Okay. Did you or another officer give commands to Nieto at this point, when he already pulled out the gun and you saw the laser? Did you give additional commands?

A: Oh, we were screaming for him to drop the gun. I mean, if it was any doubt about whether or not you could hear us because when that comes out.

Q: Uh-huh

A: We're yelling the whole time, show us your hands. And when, when it comes out, we're still yelling. And I remember I mean; we were yelling almost the whole time.

Q: Okay. And did you give Nieto a warning before firing shots from your weapon?

A: No. There was no time for a warning. To be clear, if he were to display it and we were to have some type of standoff, or a warning might be appropriate or there was time for it but as I stated, he's walking towards us. Disregards our commands. Gives us his own command. Pulls the gun out, assumes a shooting stance, and I thought for sure we were going to get shot. There's no time for a warning.

Q: Okay. Okay. And at what point did you fire your weapon at Nieto?

A: As soon as I saw the laser and saw what I believed to be a firearm, I fired.

Q: Okay. And why did you fire at that time?

A: Cuz I thought either myself or Officer Schiff was going to get shot.

Q: And what did Nieto do once you fired your weapon?

A: Nothing. I did not see any reaction at all.

Q: And what was your sequence of fire?

A: I'm sorry, I don't understand your question.

Q: What, how were you firing your weapon? I guess pulling the trigger.

A: Yeah. I mean, it's a semi-automatic pistol so every time you pull the trigger, one round comes out, so. There's not-

Q: I mean, the sequence of fire I have here, you know, was it a fast sequence, was it a, a pair, was it a burst?

A: So, I don't remember. I don't remember in total how many rounds I fired to be clear. And I don't remember how many I fired. I know at one point I had to reassess because I did fire with an expected reaction of him to drop the gun, fall down, react, something. But I was firing and got absolutely no reaction at all. And I wasn't sure if I was missing or if he was getting hit. I did not know. So I reassessed. I know I picked up my sights and continued firing.

Q: Okay. (inaudible) questions I was gonna ask. What was your target when you fired your weapon?

A: Mr. Nieto.

Q: And what was your background at that time when you were firing?

A: As I stated earlier, the background, I could clearly see, cuz we had a slight uphill slope that there was almost open sky.

Q: And when you were firing your weapon, what was your stance and position at the time?

A: I was kneeling. Using the car. Again, as you open the door it creates kind of a V between the body of the windshield and the passenger door. And I was just had my gun two hands in a kneeling position. That's about as, I don't know I can be more specific but that's, the term is a kneeling positing.

Q: Okay. And you said two hands, right?

A: Yes.

Q: Okay. And did you move from that location where you were?

A: Not during the shooting. Ultimately, we did when we up to the body but during the entire shots fired, it was, I stayed in my position.

Q: Did Nieto fire his weapon at you?

A: So, I now know he did. At the time, I did not know if he was firing at us or not.

Q: Did Nieto pause at any time while he was firing his weapon?

A: I'm sorry, what do you mean by pause? I mean, the gun was up, and it was up the whole time. So, I don't know-

Q: Okay.

A: What you mean by pause.

Q: I was going to ask you if it went down or if he, if you could tell that he stopped for some reason?

A: The only time the gun went down was at the, at the conclusion. Once we realized, when he put his head down and his hand turned sideways. Which is when, the only time, there was compliance at all.

Q: Did Nieto appear to be struck or injured by any of the bullets before he went down?

A: So, as I stated, at one point he went to a prone position. I don't know if-

Q: Okay.

A: The, him getting shot caused him to go down and then take a prone position. Or if he decided to take a prone, I actually don't know. Cuz at that distance, there was no obvious signs that he was getting hit.

Q: After how many shots fired did Nieto go down to the ground?

A: I don't know.

Q: Okay. Now, can you describe for me how Nieto went down to the ground?

A: Sure. So, he was standing with the gun up in that, as I previously described like a, a Weaver stance. And then he dropped to a knee and then proned out with the gun, his arms still fully extended. His head up and the gun up.

Q: And during this time did he say anything? Did anything come out of his mouth?

A: I don't remember him saying anything other than when he told us, for you know, us to show him his hands, or our hands.

Q: Okay. And then once he was on the ground, what happened? Can you describe his body position?

A: So he was prone with the gun up. And by up I mean arms extended. If you could picture a prone position. Your arm is extended so your elbows are pretty much on, still on the pavement. But the gun is still pointed. So, it's not very high above the ground but it's still pointed at us. And his heads up as if he's looking down. Looking towards us I should say. Not looking down at the ground. Looking towards us and he remained that way till the conclusion of the shooting.

Once I saw that his head dropped and the gun and his hand turned sideways that's when we, I yelled, cease fire and we made the plan to go up to handcuff.

Q: Okay. Was the laser still on the entire time when he had his weapon?

A: I believe the laser was on, yeah, the whole time. I don't remember, to be honest with you, at what point it goes out but if I, memory serves me correctly, best I can remember is the laser is on the whole time. Cuz I remember when he was prone, for sure I saw the laser.

Q: Did Nieto appear to be injured once he was proned on the ground?

A: I didn't see any obvious sign of injury.

Q: Okay. And did you pause at any time after you had begun firing your weapon?

A: I did at one-point cuz I had to reload.

Q: Okay. And, and when you're firing are you aware of where your partner was at the time and what he was doing?

A: I know he stayed behind the A pillar on the driver side the whole time. Out of my peripheral because I was still looking down range. Had he gone forward, I would've seen it and I do remember when he yelled, red, I could tell he was still basically right next to me.

Q: Did your partner say anything to you during the time you were firing your weapon?

A: Just red.

Q: Okay. And at what point did you stop firing your weapon?

A: So, Nieto finally dropped his head and the gun that was pointed at us turned sideways, in his, with his hands still on it. And that's when I yelled, cease fire.

Q: And what did you do after you stopped firing your weapon?

A: So, I coordinated with Officer Schiff, Officer Morse and Officer Chew to form a skirmish line to go up to handcuff and check on the wellbeing of Mr. Nieto.

Q: And you said, and were your weapons drawn while you approach, approaching in the skirmish?

A: Yes.

Q: Okay. And what position is your, is your gun drawn?

A: So, two hand, low ready position.

Q: Okay. And what was Nieto's condition when you approached?

A: He appeared to still be breathing. And he had obviously showed that he had been shot multiple times. I don't need to be more specific than that.

Q: Okay. And what did you do next?

A: I ordered obviously an ambulance, code 3. And I don't remember which officer, but someone was tending to him. They put on gloves and was tending to him.

Q: What do you mean by tending to him?

A: At some point they initiated CPR since stopped breathing.

Q: Okay.

A: But I know what ended up happening is I ordered them to tend to the body and then I took over supervisor duties about coordinating the crime scene. So, I made sure it was done but I wasn't standing with him the whole time, right next to him to see. That's why if you ask me who handcuffed or who started on CPR, I don't remember because although I was in the proximity.

Q: Uh-huh.

A: I was by then the notifications and my responsibilities got greatly magnified so I had a lot of other duties I had to tend to.

Q: Okay. Okay. So the other officers, you don't know which one you said handcuffed. Did the first aid, what about searching Nieto?

A: Again, yes, I know it was done, I just don't know who did it.

Q: Okay. Okay. And at what point did you call the ambulance?

A: Almost immediately. As soon as we made contact I started putting out broadcasts over the air saying that there'd been an officer involved shooting. If you listen to the tape it'll say 408, code 3. 408 is our code for an ambulance.

Q: Okay. And were you present when the ambulance arrived?

A: Yes.

Q: Okay. Was the officer who was rendering aid, was he still rendering aid when the ambulance arrived?

A: I honestly don't remember. Again, I mean, it would've been protocol to do that, but I honestly don't have independent recollection no.

Q: Okay. You said, you took on other duties. Can you tell me, what did you do at the scene?

A: A lot of it was notifications. So, I was on the air. I had to I said notify our lieutenant. I was trying to brief the oncoming supervisor as to what happened. I was trying to coordinate other officers to be with the officers that had shot, once identified that they were, was trying to preserve the crime scene. Sent another officer to look for any witnesses.

Q: Okay. And did a supervisor respond to the scene?

A: Yes.

Q: And who was that?

A: Sergeant Riskin, R-I-S-K-I-N.

Q: Okay. And, and did you speak to anyone at the scene?

A: There were numerous, I mean, specifically like regarding the case, no. I spoke to a ton of officers cuz officers showed up. I started directing people saying you know, take care of this officer, take care of that officer, so there was lots of words spoken. But regarding the incident itself-

Q: Uh-huh.

A: I briefed Sergeant Riskin.

Q: Okay.

A: As to public safety statement as far as whether or not there was any additional shooters or outstanding suspects, injuries, things like that. And then I coordinated for us to leave the scene.

Q: Okay. And where did you go to after the scene?

A: Ingleside Station.

Q: Okay. And were you separated (inaudible)?

A: Yes. So, I don't even know where the other officers went. But I never had contact with them until after the homicide interviews.

UF: Were you transported by another officer?

A: Yes.

UF: Do you know who it was?

A: I do not.

Q: And were you injured as a result of this incident?

A: I was not.

Q: Do you recall experiencing any perceptual distortion?

A: No. I don't recall.

Q: Okay. And who did you speak to about this incident?

A: At the time?

Q: Uh-huh.

A: Let's see, you came down pretty quick.

HS: That's correct. Please, don't share what we talked about.

A: I got ya.

Q: I said who?

A: But I know at least my attorney, Harry Stern. So, when I got back to the station, I knew enough to wait for counsel. And most of the supervisors also knew enough once they got the

public safety statement to just leave me alone. So, I had some people tending to me like, water, do you need anything, but I wasn't speaking about the incident itself until counsel arrived.

Q: Okay. Okay. And whom did you provide your statement to?

A: Which statement? Because I refer to a public safety statement.

Q: No. The inc, about the incident.

A: Oh, Mr. Stern.

Q: Okay. And then, and then, who in the department did you provide your statement to?

A: Subsequent to the interview with Mr. Stern we went down to homicide and I had an interview with Inspector Cagney and Sergeant Burke. There were some other people present, there was management control present, I believe a DA investigator was present. And I'm going to have to refer to my interview to see if there's additional people that were present there and specific names for the DA investigator.

Q: Okay. And did you provide any verbal statement to the officer preparing the incident report?

A: No. I'll be honest, I don't know who wrote the report.

Q: Okay. Did you provide any written statement for the report?

A: No.

Q: And at what point did you become aware that Nieto's weapon was a taser?

A: Once we approached the body. One of the officers, because it was still in his hand, kicked it out of his hand. And I don't know which officer kicked it out of his hand. I do now, at the time, I did not.

Q: Uh-huh.

A: And then once it was kicked out of his hand, I could see that it was a taser.

Q: And did you have-

UF: What did you see that told you it was a taser?

A: There was a, a sticker on the side. To the best of my recollection, I think it was yellow and black or it had some type of markings on it.

UF: Did you see the taser darts? Dart, that were attached to the gun or lying around him?

A: I did after. So, I realized, once we approached him that he had in fact fired it at us. I did not know that at the time during the shooting. But after the fact, I saw that the, I guess they're called leads, had been shot from the, from the taser.

UF: How many did you see?

A: I remember, I think there's 2 lead wires, what else comes from, I don't know, I, I'm not familiar with the taser to know what, how they work as far as what gets shot out. Or if it's just those two. So, that's all I remember is the two leads.

Q: Okay. That was my next question. Do you have any experience or training with tasers?

A: No.

Q: Prior to?

A: I mean, I don't (inaudible).

Q: Okay. And, and did you know the difference between a firearm and a taser?

A: Did I then? Yeah, there is a difference between, sure.

Q: Okay. Do you have any training or experience with weapons with laser points?

A: I do.

Q: And what is it? So what, what experience?

A: So, at this time, I was a specialist sergeant. For 11 years prior I was both a tactical sergeant and an officer. And we have several of our rifles are outfitted with what's called a Peck 15, which is a laser mounted to the rifle. So, we've been training with lasers. I'm familiar with them. In addition I've also arrested bad guys with lasers outfitted to their pistols on prior occasions.

Q: Okay. Did you have any other options besides firing your weapon?

A: No.

Q: Would having information on Nieto's mental status change the manner which you responded to Nieto?

A: I guess it all depends on what information we were given.

Q: When the call of the 221 came out, how are you trained to respond to a call like that?

A: Well obviously, public safety is one of the number one priorities. That's why we have to go to a call like that. And then, the next thing that's important is our safety. So, as I stated, we didn't drive to this call talking about what we're going to do later, talking about the weekend. We spent the entire drive talking about the possibility of encountering an armed guy and how you handle it. As I previously explained about some of the tactics, maneuver and where to look and how to position ourselves and things of that nature. So, obviously we take those calls very seriously.

Q: Okay. Are there any investigative steps that need to occur prior to making contact with the suspect?

A: Investigative steps?

Q: Yeah.

A: Well, I mean, specifically, no. And obviously while we're en route, we're trying to gather as much information as we can through the dispatch calls. As we got constant updates. But a call like this is obviously not, and it's an urgent call for service.

Q: Uh-huh.

A: It sense that's it's a crime, or potential crime, a man with a gun is happening right now.

Q: Uh-huh.

A: And the nature of that crime is there's a direct threat to public safety. So, it's, it's a response that has to be dealt with now. When you talk about investigative steps, a lot of that

could be done after the fact. Where you use the investigation to put pieces together. This was not -- this type of call is different in nature in that it's an immediate response.

Q: Is, is speaking to the reportee who made the gun call a requirement prior to making contact with the suspect?

A: No.

Q: When are you trained to call for an ambulance when responding to a gun call?

A: There, there's several ways to look at it. From the (inaudible) perspective we call for ambulance if there's any type of injury. It doesn't have to be a gunshot injury; it could be a medical injury as far as to us or to the bad guy. It could be something along the lines of a mental health issue, after the fact that you can call an ambulance for. Complaint of pain, shortness of breath. Or for a (inaudible) operation, from my time on tactical unit. The plan, we planned on planned operations (inaudible) conduct a search warrant we have an ambulance standing by, we stage it.

Q: What type of aid are you trained to provide to a suspect who's injured by bullets?

A: Well, depending on where they're hit. If they're not breathing, it's CPR. If there's a gunshot wound, we can do direct pressure. And a lot of officers now are learning about doing tunicates, if applicable. I don't know how much of the department has received that training.

Q: And how long are you expected to provide first aid? Is there like a requirement or are you trained?

A: Until relived by the professionals. Once an ambulance or a fire department takes over, we don't get the luxury of just calling it. Saying no, I think that's good enough, you know. Provide constant need until taken over.

Q: Okay. So, can you tell me about your training in the use of force?

A: I mean, it's a very broad question. We use a use of force, there's use of force options as you know.

Q: Uh-huh.

A: We don't have to go up the ladder and continue from one to the next, from verbal persuasions, physical persuasion to you know OC spray. We're not required to go up the ladder. If, if in our case, it went from verbal persuasion, which was verbal commands directly to the firearm because all the other options in between were not practical. And obviously we try to use the minimum amount of force through the (inaudible) compliance or effect the arrest. In this case, you know, had verbal persuasion been an option. I'm sorry, had verbal persuasion worked there would be no need for anything else. Had there been another option available we would have used it, but that was not available.

Q: Okay. Are you, are you taught to fire, to fire at a specific body part in order to disable a suspect?

A: The, the general training is to stop the threat.

Q: And in relation to this incident, at what point was that?

A: I didn't, the threat in my mind was over when Mr. Nieto was already in the prone position. Once his head went down and then gun that pointing at us turned to its side, it appeared that either he was complying or had gone limp.

Q: Okay. Do you have any-

UF: Yeah. You talked about being a specialist for 11 years?

A: I was TAC for 11 years.

UF: TAC for 11 years.

A: And I was SPEC for let's see, probably 6. I was a specialist before from 1997 to 2001. I went to the tactical unit as an officer from 2001 till 2007. And then I got promoted to sergeant. And then, I think in May of 2008 I went back as a sergeant for tactical for another four and a half years. And then when I left the tactical unit went to Ingleside. I went as a specialist sergeant. So,

that's all considered the umbrella, what they call, SOG or special operations group. So, I've been a part of special operations group for probably a little over 17 years.

UF: And I take it you had additional training as a specialist and, and part of this group?

A: Yeah, you could say that. I've had a lot of training.

UF: Can you tell us a little bit about that, just-

A: I mean, it goes all over the board. TAC we're trained, we're repelling, waterboarding, like how to assault a boat, how to assault a plane, a train from the air. Command posts. Dignitary protection. Driving. I mean, I can go on for I don't know how long about all the different trainings I've received. It's been quite a blessing to be able to get so much training. I'm not gonna lie, it's been great but there's been quite bit of training for tactical operations. And tactical being it's such a broad paint brush as far as like I said, for dignitaries that come to town or for crowd control demonstrations. The tact units are between TAC and SPEC are the units that kind of run it. As far as most of the operations where if you have a black block, occupy, that was primarily tactical and SPEC units that ran these operations. We've also done a lot of training for the department. You know we train a lot of stuff for (inaudible) use of force type of stuff. I mean, if you have, questions.

UF: A coincidence (inaudible)

A: Yes.

UF: All (inaudible) okay.

A: Uh-huh.

UF: In the beginning of the interview you talked about being on a ride along with Officer Schiff?

A: Yes.

UF: And during the homicide interview, you said that this is actually, or it was a FTO evaluation.

A: Yeah. Okay. So, the terms are relatively interchangeable. And to be clear, so, he's in the field -- at the time he's in the field training program, which consists of three phases with three different FTO's. So, he has phase one with one FTO. A second and a third. And then during those phases, once a week, they like to have the recruit officer ride with a, a field training sergeant to evaluate how the officers progress is. To make sure that they're on track for where they should be and to make sure that the field training officers doing their job as well. So, this was one of those weekly, it is an evaluation on him as well.

UF: Uh-huh.

A: It's what we call the weekly recruit ride along.

UF: Okay. It's something that's done for everyone?

A: Correct.

UF: Okay. And not a situation where an officer maybe having problems or difficulty during his FTO program?

A: Yeah. So-

UF: And it's done in a routine basis?

A: Correct. And the whole point of it is to, you have a, a recruit officer who's in training getting trained and it's to make sure they're getting all the correct training (inaudible). Because it's, the, the FTO, the field training officer is doing their job to bring him up to standards for phase 1, 2, and 3. Me or any other field training supervisor is the next set of eyes to evaluate to ensure that hey, you're on track to where you should be, or you know sometimes there's problem officers that might need additional attention to certain fields. So, I was just doing my weekly evaluation with officer Schiff.

UF: Okay. Thank you.

Q: And I just had another question. Just from hearing, from being here and hearing different types of officers when they shoot.

A: Uh-huh.

Q: And I was just curious about you stated that you shot your firearm when you saw the red laser.

A: Yes.

Q: Is that correct?

A: Correct.

Q: And then, why not sooner?

A: So-

Q: Cuz a lot, I see a lot of officers you know, they see a sort of movement and they fire their weapon. So I was just curious. Why not sooner?

A: Okay. The easiest way to put it is, this is a situation that is happening extremely quickly. The, basically for me, as soon as I see what I believe to be a gun pointed at me, it's one thing to say, he shows it like you know, lifts up his jacket and there's a gun on his hip. I'm not seeing, I know it's there, don't pull it, you know whatever. But as of right now do I feel my life is an eminent threat at that point, I do not. But his motion of pulling it happened so fast, I see that laser almost immediately. It's not as if he pulls the gun, displays it, turns the laser on and I have all this time to sit there and evaluate it and contemplate whether or not I believe it's a threat, I'm not sure. As soon as I see it pulled and I believe it's to be a gun, like I said, it's even a safer way of saying, I'm going to fire to defend myself. I just remember specifically seeing that laser. And I, I since found out that I guess, as soon as you pull it, those things are armed, the laser comes on automatically. I guess as soon as it's, the safety's taken off or however it arms itself. So, that laser is on almost immediately as soon as it's coming out. I knew then that thing could potentially kill me, so I'm firing to defend myself.

Q: Okay.

A: I'm just trying to paint the picture for you though, about how quickly this happens. It's-

Q: Yeah.

A: The idea of-

Q: If you see somebody, if you see somebody reach. I would think -- I mean you have more training, so I don't know if you were looking or expecting something else?

A: Right. No, and I hear what you're saying but it's that we're balancing trying to breakdown moments of time.

Q: Uh-huh.

A: And the amount of time, like right now if I were to do this-

Q: Yeah.

A: (inaudible) but you see it happens that fast. It's so quick for me you know to do this. If you were to say you know break it down, it, it's okay -- what's the, there's a saying about you can't beat an ambush. If his intention is to fire a gun at us and try to kill us the chances of him getting shot off are extremely high even with our guns already out because reaction can't beat action. Does that make sense? I'm going to do everything I can to save myself but the time it takes for him to open his or pull up his jacket pull that gun out and see that laser and to process all that, is a very short time. But there, they, he's still moving very quickly. It's not a very, it's not a slow movement.

Q: Okay.

A: If that helps. I'm just trying to paint the picture that's clear for you. It happens extremely quickly. And you know as quickly as I can react, I'm reacting.

Q: Okay. So, he was, Nieto was moving while he took it out and then stopped once?

A: He was walking towards us.

Q: Right.

A: And I say, "show me your hands," and he says, "you show me your hands." And as soon as he, he, he's pulling it up and then he stops and gets in that Weaver stance. So, the exact

moment of does he stop while he's lifting it up, or is he taking one extra step, I don't remember exactly. I know he's advancing towards us.

Q: Okay.

A: Until he's in his Weaver stance or he was pulling his gun. To the best of my recollection, once he lifts up his sweatshirt or jacket is when he stops cuz it's going to be hard to pull up and keep walking while you're doing it. But he pulls the gun out and then takes a stance. And in that whole time we're, we're reacting.

Q: Okay.

UF: Couple of other things, I take it from your display that you're right-handed?

A: No. I'm left-handed.

UF: You're left-handed?

A: I was, I, I did this display cuz I don't want to (inaudible) nervous. My guns on my left side, I am left-handed. It was just a little straight up (inaudible) I don't want to even-

UF: Yeah. That's good control.

A: Return the-

UF: So, you're, you're actually left-handed?

A: I'm left-handed.

UF: Okay. You said that officer Schiff said, red one time?

A: That I remember.

UF: Or at least once?

A: That I remember.

UF: That you recall.

A: Yes.

UF: Okay. And how many times did you reload?

A: Once.

UF: And so, you called out red as well?

A: Yes.

UF: I think that's all I have.

Q: Okay. Okay. Is there any other statement relevant to this incident you wish to make at this time?

A: No.

Q: Are there any witnesses or other evidence relevant to this case that intend to submit on your behalf?

A: No.

Q: Okay. And I just want you to, initial and put your star number on the diagram. Okay. And the interview, oh, do you want to-

HS: Would you mind if I ask a few questions?

UF: Uh-uh. Not at all.

Q: (inaudible).

HS: Yeah. Just something and, actually you covered a lot of things that I was gonna go back on, so. Very briefly, what significance, if any, did you draw on the idea that Mr. Nieto used what looked like a Weaver stance?

A: It appears anybody's who's going to take a stance like that has some type of training or knows how to hold a gun.

HS: And what does that tell you for instance?

A: They're dangerous. And then it also legitimizes the call to me.

HS: You used a phrase in response to one of the questions you said that you quote, "picked up sights", could you explain the, end quote, could you explain what that means?

A: Yes. So, as we, as I stated earlier, my guns pointed straight down towards Mr. Nieto but at the same time I'm looking at him. Your eyes can't do both, looking at the sights, you can

focus on your sights or focus at 30 yards away at the same time. You have to pick one or the other. So, I'm, my guns pointed in his direction, I am looking at Nieto though because I'm still assessing the threat. If I'm looking exclusively at my sights at that point I can't tell if Mr. Nieto is truly a threat. So, I'm looking at him. As soon as I see that he's a threat. I, I fire my weapon. There's no obvious signs that he's been hit and, or normally because I know from many years of training, I do consider myself a very competent shot. But there's no signs that he's been hit, nothing obvious. I was not sure if I was consistently missing. So, I reassessed and by picking up my sights I mean, now I'm completely focused on my sights putting him on target and firing to take extra steps to ensure that I am in fact hitting the target. Does that answer the question okay?

HS: It certainly did.

A: Okay.

HS: I don't have any other ones.

UF: Just a couple other things. Were you up to date on your training at the range?

A: Yes. At the, to be clear, we have to fire twice a year for patrol. For anybody else through TAC and specialist, we do it bi-monthly. And when I was at TAC, we did it twice, twice a month. So, my, my firearm certification and my department certification for firearms training is extremely current, both in rifle and pistol.

UF: Did you have a shotgun in the patrol car?

A: No.

UF: Was that by choice?

A: Yeah. I carry a rifle. So, I had a (inaudible) rifle, correct.

UF: And can you tell me a little about your vision, are you required to wear glasses or corrective lenses?

A: No.

UF: Okay. That's all I have.

Q: Okay. If there's nothing further, I will conclude the interview. The time is approximately 11:25 AM. Thank you for the time Lieutenant.

UF: (inaudible)

END OF INTERVIEW

SFDPA - 0179-14 - 002070

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

--o0o--

I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 48, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 002071

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: **OFFICER CHEW**

INTERVIEWED BY: **INVESTIGATORS CALDERON AND FLETCHER**

DATED: **MARCH 31, 2015**

SFDPA - 0179-14 - 002072

Q: INVESTIGATOR HELEN CALDERON

SF: SENIOR INVESTIGATOR SHERRY FLETCHER

A: OFFICER NATHAN CHEW

SB: ATTORNEY STEVEN BETZ

SC: SERGEANT CAMPBELL

SB: ….I'm here with some folks of the OCC and Nathan Chew. And officer Chew is about to get a statement and, regarding the investigation. And I was just calling to ask that you give him an order to comply, a *Lybarger* admonition, that is.

SC: Okay. My name is Sergeant Jamie Campbell, star 759, I work with Internal Affairs. Due to the nature of this administrative investigation, Government Code Section 3303H requires me to advise you, Officer Chew, of your constitutional rights. Therefore, it's important that you understand that criminally you have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and during questioning. Do you understand each of these rights as, as I've explained them to you?

A: Yes.

SC: And with these rights in mind would you like to speak to the OCC investigator now?

A: No.

SC: While you have the right to remain silent with regarding to any criminal investigation you do not have the right to refuse to answer the investigators questions administratively. This is an administrative investigation. I work for the Internal Affairs Division of the San Francisco Police Department. As a designee by the chief of police, I am ordering you to answer all of the questions by the OCC investigator fully and honestly. If you refuse to answer her questions your silence can be deemed insubordination and result in administrative discipline up to and including

termination. Any statement you make under compulsion of the threat such discipline and for administrative purposes only and cannot be used against you criminally. Your statements and any information gathered will be held confidential consistent with California Penal Code Section 832.7 and information gathered will not be divulged except as required by law. Officer Chew, are you prepared to be interviewed at this time?

A: Yes.

SC: Okay. I have no further.

SB: Thank you, Sargent.

SC: Okay. Bye Bye.

Q: Okay. This interviewed regarding OCC case number 0179-14. It's taking place on Tuesday, March the 31st the year 2015 the times is approximately 11:40 AM at the OCC. Conducting this interview is investigator Helen Calderon. The, also present is acting Senior Investigator Sherry Fletcher. The member being interview is Officer Nathan Chew, number 2088. His representative attorney is Steven Betz. Officer Chew, have you read the statement of complainants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted] and [redacted] concerning an incident at Bernal Hill Park on Friday, March the 21st of the year 2014?

A: Yes.

Q: Have you read General Order 2.08?

A: I have.

Q: Have you read Rule 21 of General Order 2.01?

A: Yes.

Q: And have you read section 1A, General Order 2.04?

A: Yes.

Q: Do you understand these orders?

A: Yes.

Q: Okay. Officer Chew, you are obligated pursuant to be above DGOs to cooperate with this OCC investigation. Provide you through the system and answer all questions posed to you during this investigation truthfully and without evasion. If your representative interferes or obstructs this investigation you will be deemed to have failed to cooperate and be subject to discipline for violation of DGO 2.01 and DGO 2.04. Are you prepared to be interviewed at this time?

A: Yes.

Q: Okay. Officer, how long have you been with SFPD?

A: Excuse me, seven and a half years now. Eight in September.

Q: Okay. And how long have you been in law enforcement?

A: Same.

Q: Same?

A: Yeah.

Q: Okay. And what was your assignment on the date of the incident?

A: Regular patrol.

Q: And were you working with a partner?

A: I was.

Q: Who was your partner?

A: Officer Morse.

Q: And how long have you been working with Officer Morse? Or at that time, how long had you been working with Officer Morse?

A: That was our first day working together as partners, but we've been at the same station for five, six years now.

Q: And were you in uniform?

A: I was.

Q: Describe the uniform you were wearing that day.

A: It was our class B wool uniform with San Francisco police department patches on the shoulders and my department issued star and name plate.

Q: What equipment did you have on your person that day?

A: My duty belt, which is my radio, my department issued firearm, department -- or two department issued magazines. My department issued OC; department issued handcuffs.

Q: And what was your primary weapon?

A: During the incident it was my firearm.

Q: And you carry a backup weapon?

A: I don't.

Q: Was your gun fully loaded that day?

A: It was.

Q: And how many bullets did it have?

A: 12 in the magazine, or 12 rounds in the magazine, one round in the chamber. So, 13.

Q: And did you have extra magazines with you?

A: I did. I had 2.

Q: And what less lethal options did you have available on your person that day?

A: My baton, I think I, I'm sorry, I think I left that out.

Q: Okay.

A: My pepper spray.

Q: Were you in a vehicle?

A: We were in a vehicle.

Q: Okay. And what vehicle were you in?

A: I don't recall.

Q: Was it marked?

A: Yes.

Q: Were you the driver or the passenger?

A: Passenger.

Q: And what equipment did you have in your vehicle?

A: We had a less lethal shotgun in our, in the trunk of our vehicle.

Q: Okay. Anything else?

A: No.

Q: Okay. Officer Chew, so please tell me-

SF: Before you go on, could you tell us what type of weapon you carried, the type and model?

Q: Oh, it's a, sorry, it's a Sig Sauer P226.

SF: And you said a less lethal shotgun?

A: Yes.

SF: Referred to as a ERIW?

A: Correct.

SF: And you have received training in that?

A: Yes.

SF: Your partner as well?

A: Yes.

SF: Okay. Thank you.

Q: Okay. Officer Chew, I'm going to ask you to tell me about the incident and your contact with Alejandro Nieto that day.

A: Okay.

Q: And can you please just tell it in the narrative form.

A: Okay.

Q: Okay. Thank you.

A: Officer Morse and I were patrolling in the Sunnydale housing projects at the time of the, call came out over the radio. Dispatch stated there's a Hispanic male with a gun wearing a red jacket in the Bernal Heights area, or Bernal Heights Hill area. Officer Morse and I responded out to Bernal Heights from the Sunnydale projects. And at, we came up Anderson from Cortland and, and as we hit Bernal Heights Avenue we heard, heard another say we see the suspect. Officer Morse and I didn't see any other patrol vehicles or see a suspect at that time around that area. So, we drove to the access gates at Bernal Heights and Folsom. As we were driving down Bernal Heights towards Folsom I could see a patrol vehicle up the fire access road and a male with a red jacket on standing in front of the vehicle. Officer Morse drove our patrol vehicle around the access gates and up the access ramp. At that point, we had lost sight of the other patrol vehicle and the male in the red jacket. As we drove up and I saw the patrol vehicle. I saw Sergeant Sawyer standing out with his firearm drawn on the passenger side of his vehicle. And I saw the suspect wearing a red jacket now in a prone position with his arms extended out and his head up looking at Sergeant Sawyer's direction and holding what looked to be a gun to me. With a red laser point on it. I exited, or, Officer Morse stopped our vehicle I exited the patrol car with my firearm drawn. And I saw the, that laser pointer kind of brighten as it to sweep across my eyes. And fearing for my safety I quickly moved to my right, away from the car and then back to my left behind the, behind the patrol vehicle's passenger door. And hearing shots being fired, I didn't know, you know I believed it Sergeant Sawyer firing and the suspect. I fired my weapon for my safety thinking he was firing at me or attempting to fire at me and my fellow coworkers. I don't know how many rounds I fired but at one point I saw the suspect's head drop down to the pavement. And his arm kind of pull in close to his body and that's when I stopped firing. At that point, officer Morse, Sergeant Sawyer, and then I saw Officer Schiff come out from the other side, on the driver side of Sergeant Sawyer's car. The four of us approached the suspect. I

believe officer Morse yelled at the suspect to not move. Officer Morse, or I'm sorry the suspect still had what looked like a gun in his hands as we were approaching him. Officer Morse, as we, I got close, Officer Morse kicked it out of his hands and I think at that point, I realized it was a taser. And I handcuffed the suspect.

Q: And then what happened?

A: After I handcuffed him, I was told to move away so that he could be searched because I didn't have gloves, gloves on at the time. And the suspect was bleeding and other suspects, I'm sorry, other officers searched the suspect. And then I believe Officer Schiff checked for vital signs. Sergeant Sawyer, I believe, called for an ambulance through our, through dispatch.

Q: And then what happened?

A: Other supervisors came on scene. I was taken back to Ingleside station by two other officers. Or the, I think officer, or, sorry, Officer Morse was taken as well back to Ingleside station. So was Sergeant Sawyer and Officer Schiff by other officers and we were all separated.

Q: Okay. Anything else in regards to your narrative (inaudible)?

A: No. Not that I can think of.

Q: Okay. I just want to say that some of the questions I'm going to ask you may seem redundant.

A: Okay.

Q: But I have to ask.

A: Okay. No problem.

Q: Okay. Okay. So, what brought you to the location of this incident?

A: The initial call that dispatch put out for us over our radios of a person with a gun.

Q: Okay. And what was your reason for contacting Nieto?

A: We saw Sergeant Sawyer's car and we saw the descript, a male who fitted, who fit the description that was given to us by dispatch.

Q: What information did you receive prior to responding to the call?

A: That it was a Hispanic male wearing a red jacket with a gun, possibly holstered on his hip.

Q: And how did you approach the scene?

A: Officer Morse driving our marked patrol vehicle. Pulling up almost side by side, just behind to the right of Sergeant Sawyer's patrol vehicle.

Q: Okay. I have a not to scale diagram, excuse me. So, if this would be the bottom of the page would be like the Folsom.

A: Bernal Heights area?

Q: Bernal Heights area and then this is just the first set of benches up here.

A: Okay.

Q: And then if you can just mark where, where your vehicle well, where was Sergeant Sawyer and Officer Schiff's vehicle and then where was yours?

A: I can draw, I can draw on this?

Q: Yeah.

A: Okay.

Q: Like and let me just explain. This, this would be the paved path.

A: Okay.

Q: And then, here (inaudible) uphill, this is the grass uphill area and then right here where you see the benches, this is like a dirt path with grass here. And then this is downhill.

A: Okay.

Q: Okay.

A: I don't remember seeing the benches.

Q: That's a little further up.

A: Okay.

Q: The hill.

A: Okay. I think maybe Sergeant Sawyer's car is right here. And kind of pulled along side maybe. Right here.

Q: Okay. So, could you put I guess your star number in here so I can know that-

A: Yeah.

Q: That's your vehicle. Okay. So, just keep it out I'll ask some more questions.

A: Okay.

Q: Okay. Okay. And then when you, when your partner stopped the vehicle, did you call for any backup?

A: No.

Q: Okay. Were you the backup, or?

A: We were, yeah, one of, I think, numerous units were responding to the-

Q: Okay.

A: The scene.

Q: All right. So, please describe the scene to me once you, you bring your car, when your partner brings up the car at that point and describe the scene.

A: See the suspect in a prone position maybe 30 yards in front of Sergeant Sawyer's car and proned out. Arms fully extended holding what looked like a gun to me with a laser pointer on it. Head was up.

Q: Okay. And in terms of the background what did you see? Like weather, lighting?

A: Oh, sun was, sun was still out. It wasn't, I think it was behind on the other side of the hill. It wasn't in my eyes or anything and the suspect, I think in back of the Bernal Heights Hill might've been behind him a little bit.

Q: About what time was it?

A: I don't recall. I think it was maybe 7 pm.

Q: Okay. And do you remember the weather at the time?

A: It was clear and sunny.

Q: Okay. And then you mentioned that you saw the suspect, Nieto in the prone position.

A: Correct.

Q: Where you were going. Okay. Can you describe him physically at that point?

A: I couldn't get, I couldn't get a good look at how tall or-

Q: Okay.

A: Kind of medium size build there but, I couldn't tell how tall he was.

Q: What about as far as appearance?

A: When I got out of the vehicle, pretty much all I could see was a red laser pointer, the gun and a red jacket.

Q: Was anyone with Nieto at the time?

A: No.

Q: Were you given any information prior to your contact with Nieto on his mental health status?

A: No.

Q: Were you able to discuss any tactics prior to contacting, or responding to this call?

A: No.

Q: And once you were on scene, were you able to reflect your proper status with communications? Dispatch?

A: No.

Q: Why not?

A: Just once I exited the -- or once as we were pulling up and seeing the suspect in a proned out position with what looked like a gun pointed at us, I just felt like I didn't have any time to-

Q: Okay. Were you communicating with your partner once the vehicle came to a stop?

A: No.

Q: So, once you -- tell me what did, what did you do once you exited your vehicle? Describe something but it-

A: Okay-

Q: Tell me, what did you do then to exit the vehicle?

A: I exited the vehicle with my department issued firearm drawn and almost immediately I see a red laser pointer kind of brighten up in front of me. Thinking he's maybe aiming for me or going to shoot me and fearing for my safety I quickly shifted to my right towards the grass maybe a couple steps and moved back behind the patrol vehicle's door and I began drawing my weapon.

Q: So, was the door of the vehicle open? Did it remain open, or?

A: I believe it did stay, remain open.

Q: Okay. But you, but you said then you, once you moved to the right near the grass then you moved back.

A: Yes.

Q: Behind the vehicle, is that what you?

A: Yes.

Q: Okay.

SF: Would you say the right rear of the vehicle, or?

A: I'd, I'd say like the passenger side. I guess towards the, from the angle it's still, it's kind of behind the side of vehicle.

SF: Uh-huh.

A: Yes. But still on the passenger side.

Q: So, were you here like, not here but here?

A: No. Yes. Like somewhere alongside the passenger.

Q: The side, okay.

A: Yeah.

Q: Not behind. Did you have cover?

A: From, yeah, the vehicle a little bit.

Q: What was the distance between you and Nieto when you encountered him?

A: I'd say maybe 30 yards.

Q: Had you seen Nieto before?

A: I had not.

Q: Did you have an opportunity to say anything to Nieto when you got out of your vehicle?

A: No.

Q: Did Nieto say anything?

A: Nothing that I could hear if he was.

Q: What about Nieto made you believe that he was a threat?

A: Just being in a proned out position with arms extended with what looked like a gun to me. Laser pointer on it, head up, it's a (inaudible) tactical position we learned in firearms training during the Academy.

Q: Okay. And could you describe Nieto's weapon?

A: At the time he exited the vehicle?

Q: Yeah. At the time.

A: It looked like a black firearm to me. A black handgun to me.

Q: Did you see any markings on the weapon?

A: I did not.

Q: Did you see any stripes or colors?

A: No.

Q: And while he was proned out, how was he holding the weapon?

A: As if he was aiming in my direction and the other officers that were there, in their direction as well.

Q: Did you see how he held the weapon?

A: With both hands. And being proned out, it's a very like stabilizing position to aim.

Q: And at the time, where was his weapon pointing?

A: Towards me and towards the Officer Morse, Sawyer, Schiff, just kind of in our general direction.

Q: Okay. Okay. And at what point did you decide to fire your weapon?

A: Almost immediately when I exited my vehicle and could see the suspect pointing what looked like a gun in my direction with a laser pointer on.

Q: And why did you discharge your weapon? What was your state of mind?

A: I was afraid that he had a gun pointed at my direction, he was going to fire at me or my fellow officers that were there.

Q: When you fired your weapon what did, what did Nieto do?

A: He continued staying in that prone position with his arms extended, head up, pointing the taser at our direction.

Q: How many shots did you fire?

A: I don't recall.

Q: Do you remember what was the sequence of firing that you discharged?

A: No.

Q: And what was your target?

A: The suspect.

Q: And at that time, what was the background up where you were firing?

A: It's kind of an open area and then a little bit of the uphill area and it was kind of be, a little bit behind him too from my angle.

Q: Okay. And what was your stance and position?

A: Standing with my arms extended behind, around the passenger side of the vehicle.

Q: And from which hand did you fire your weapon?

A: My right hand and my left hand comes up as support.

Q: And did you move?

A: I believe I did move.

Q: Okay. And, and where did you move?

A: I think I may have moved towards the grass. At the time I didn't know if he was, if the suspect was with anyone else. So, I quickly glanced down, down the hillside just in case there was anyone else with him.

Q: Okay. And then, where did you move from there?

A: I think from there that's when I, the four of us approached the suspect.

Q: Did, the, when you saw Nieto with the weapon up and you said you fired your weapon immediately, did Nieto pause at any time? Was he firing his weapon?

A: That I don't know. I mean, I hear gunshots being fired and I didn't know he was, I believe he, he was firing in our direction as well.

Q: Okay. Did Nieto appear to be struck or injured by any of the bullets?

A: No.

Q: Okay. So, once you started firing your weapon, did you pause?

A: I mean, not, it wasn't a rapid fire. I may have paused briefly to kind of assess the situation. But it was, it was really quickly though.

Q: Do you how many shots you fired?

A: I don't.

Q: Okay. And where was your partner at the time that you were firing your weapon?

A: He, I know he exited out our driver's side door of our vehicle. And after that I don't know if he stayed there, or-

Q: Okay-

A: Moved.

Q: Did your partner say anything to you during the, during the time that you were firing your weapon?

A: No.

Q: So, at what point did you stop firing your weapon?

A: When I saw the suspects, head drop to the pavement and his arms kind of pull in close to his body.

Q: And what did you do after you stopped firing?

A: I literally like took another look down the hill just in case the suspect was, was with someone else. And then, I think I heard Sergeant Sawyer say stop firing and the four of us approached the suspect.

Q: Okay. And can you describe how you approached Nieto?

A: Gun was still drawn, arms like extended pointing at the suspect. His arm, he wasn't, he was no longer pointed at, pointing the weapon in our direction, but it was still in his hands so, just in case he wanted to point in our direction or fire at us again, I just had my gun out just in case.

Q: And what was Nieto's condition when you approached?

A: It was like heavy breathing. And then, after Officer Morse had kicked the taser out of his hands, I realized he was unconscious though. Or during handcuffing I realized he was unconscious.

Q: And then what happened when you realized he was unconscious?

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A: Around that time, I was told to back away from him so that other officers with proper gloves on could access his vital signs.

Q: Did you search Nieto?

A: I may have kind of patted one pocket. I don't remember which one. But I was told to back away pretty quickly.

Q: But you, you were able to handcuff him?

A: Yes.

Q: Okay. And how did you handcuff him?

A: Behind his back with my department issued handcuffs.

Q: Did it require you moving his body, or were you able to handcuff him?

A: Just putting his arms.

Q: Okay. Did Nieto say anything?

A: No.

Q: Did anyone call for an ambulance?

A: I believe Sergeant Sawyer.

Q: At what point?

A: I think it was during handcuffing.

Q: And were you present when the ambulance arrived?

A: I believe I was walking down the hill or had been separated already. I'm just walking to other officers as the fire fighters or medics are, I think driving up or running up.

Q: So, once you and the other officers approached, did anyone call for a supervisor?

A: No because Sergeant Sawyer was already there. He's our, one of our direct supervisors.

Q: Okay. And did you speak to anyone at the scene?

A: No.

Q: And did you provide a public safety statement?

A: No.

Q: And where did you go after the scene?

A: I was taken back to Ingleside police station and was taken upstairs by, by our Captain's office.

Q: Were you injured as a result of this incident?

A: No.

Q: Do you recall experiencing any perceptual distortions?

A: No.

Q: And who did you speak to about this incident?

A: Back at Ingleside?

Q: Uh-huh.

A: I think the, there's nothing regarding the incident, I think it was just, investigators were, or supervisors or even our POA coming in, just asking how I'm doing.

Q: Uh-huh. And no, so, I'm asking you who did you speak to about the incident? Specifically to -

A: Internal affairs and homicide.

Q: Did you provide any verbal statements to the officers preparing the report?

A: No.

Q: Did you write a written statement for the report?

A: No.

Q: And at what point during this incident did you become aware that Nieto's weapon was a taser?

A: When Officer Morse said, kick it out of his hands.

Q: Do you have any experience or training with tasers?

A: Just from seeing them on Bart officers. Bart police officers, but no training.

Q: Do you visually know the difference between a firearm and a taser?

A: It's kind of, sometimes because a lot of things are made to look like, maybe like a toy, and we receive like a lot of training on that.

Q: But are you able to tell the difference between a gun and a taser?

A: Up close, yes.

Q: Okay. Do you have any training or experience with weapons with laser points?

A: No.

Q: Did you have any other options besides firing, firing your weapon?

A: No.

Q: Okay. When the call of the 221 came out, how are you trained to respond to a call like this?

A: Just being prepared and or being aware of all your surroundings. Making sure that we can see suspect's hands or if he's like going for a weapon or anything like that.

Q: Are there any investigative steps that need to be taken prior to making contact with the suspect?

A: I think initially if we see a suspect and nothing's in their hands we -- generally it's we just ask keep your hands where we can see them and are guns are probably drawn. And as long as they're compliant with our orders, I don't think we, we wouldn't need to fire our weapons.

Q: Is speaking to the reportee who made the gun call a requirement prior to making contact with the suspect?

A: Yes.

Q: And did, did you speak to the reportee?

A: No.

Q: Why not?

A: We didn't have time.

Q: So, well, my questions was, is speaking to the reportee a requirement, you said yes.

A: Oh-

Q: But in this incident you said you had no time?

A: I mean, if, as long as like, I, I was thinking maybe after making contact with the suspect.

Q: Oh, oh.

A: We would meet with the reportee who called in afterwards.

Q: Yeah. I meant prior.

A: I'm sorry.

Q: Okay.

A: No. It's just making sure there's no threat to anyone's safety first.

Q: Okay. And when are you trained to call for an ambulance when respond, when responding to a gun call?

A: I think, as soon as someone's, it's deemed that someone needs aid rendered.

Q: And what types of aid are you trained to provide to a injured person with, injured by bullets?

A: CPR or covering the wound, trying to stop the bleeding or slow the bleeding down.

Q: And how long are you expected to provide first aid?

A: Until medics arrive on scene.

Q: Okay. Is there a reason why first aid was not given prior to him cuffing and searching Nieto?

A: It's making sure that the scene is safe first.

Q: Okay. And what training do you have in the use of force?

A: The kind of training from firearms or baton, or OC. The ERIW or shotgun.

Q: And what training do you have in firing your weapon?

A: The training we had during the Academy and every six months we're required to go to the range.

Q: And were you up to date on your training?

A: Yes.

Q: And what are you taught in regards to when to stop firing your weapon at a suspect?

A: When we feel like the threats been neutralized.

Q: And what do you mean by neutralized?

A: That we feel, it's somewhat safe for us to lower our weapons or stop firing.

Q: And are you taught to fire at a specific body part in order to disable a suspect?

A: Generally, the, the center that's around the chest or stomach area.

Q: Okay. Do you have anything?

SF: Along with that question, are you ever, or have you ever been taught to disable a suspect?

A: With our firearms, no.

SF: What are you taught to do?

A: Fire until the threats been neutralized.

SF: And you said you, you have received training in the use of force?

A: Yes.

SF: Did that include your training with force options?

A: Yes.

SF: And have you received advanced officer training?

A: Yes.

SF: Had you received prior to this incident?

A: Yes.

SF: Do you know how far back?

A: It would, let's see, I think I just went this past September, so two years prior to last September.

SF: Uh-huh. Okay. You had an ERIW in your vehicle, could you have used the ERI, the ERIW in this incident?

A: No.

SF: Can you tell me why?

A: Believing that he had a firearm, an actual gun, I didn't, we didn't feel like the ERIW would've been effective.

SF: The ERIW would be used in what type of instance?

A: Usually someone with maybe a knife where it's more a close-range weapon.

SF: And we asked about the taser and you said that you could, you knew the difference if you were up close?

A: Yes.

SF: What would the differences be?

A: From me seeing them, the tasers got, it's got a very, a bigger, it was boxy, where our barrel would be, it's got a boxier shape to it. It's a little lighter.

SF: Uh-huh.

A: The front of it I think doesn't have a circular exit point for like a bullet.

SF: What shape is it?

A: It's in kind of a rectangular, yeah.

SF: Okay. And when you walked up to Nieto did you see any evidence of the taser firing the darts?

A: I believe officer, or after Officer Morse had kicked it away, I thought I remember seeing kind of the, the wires that extend from the taser.

SF: Uh-huh. How many wires were there?

A: I don't recall. I'm just guessing two though.

SF: Uh-huh.

A: And typically, typically they have two.

SF: I think that's all.

Q: Uh-huh. Okay. Officer, are there any other statements relevant to this interview you wish to give at this time?

A: No.

Q: Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

A: No.

Q: Do you want to ask any follow up questions?

SB: No. No thank you.

Q: Okay. All right. If there's nothing further, we will conclude this interview. The time is approximately 12:25 pm. Thank you for your time.

A: Thank you.

SF: Thank you.

END OF INTERVIEW

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CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

--o0o--

I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 23, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

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IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: **OFFICER MORSE**

INTERVIEWED BY: **INVESTIGATORS CALDERON AND FLETCHER**

DATED: **APRIL 1, 2015**

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Q: INVESTIGATOR HELEN CALDERON

SF: SENIOR INVESTIGATOR SHERRY FLETCHER

A: OFFICER ROGER MORSE

SB: ATTORNEY STEVEN BETZ

SR: SERGEANT REILLY

SB: …Investigators from the OCC.

SR: Okay.

SB: And I was wondering if you could give Officer Morse a *Lybarger* admonition and command before we begin today.

SR: Yes, I can do that right now. Are you guys ready?

SB: We are thank you.

SR: Okay, this is Sergeant Lynn Reilly star number 1141. I'm assigned to the risk management division. The *Lybarger* admonishment. Due to the nature of this administration investigation Government Code Section 3303H requires me to advise you of your Constitutional Rights. Therefore, it is important that you understand that criminally you have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and during questioning. Do you understand each of these rights that I've explained to you?

A: Yes.

SR: With these rights in mind, would you like to speak to the OCC now?

A: No.

SR: While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer the OCC questions administratively. This is an

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administrative investigation. I work for the risk management division of the San Francisco Police Department. As a designee by the Chief of Police I am ordering you to answer all of the questions by the OCC investigator, fully and honestly. If you refuse to answer the OCC's questions, your silence can be deemed insubordination and result in administrative discipline up to and including termination. Any statement you make under compulsion of threat of such discipline is for administrative purposes only and cannot be used against you criminally. Your statements and any information gathered will be held confidential consistent with California Penal Code Section 832.7 and information gathered will not be divulged except as required by law. Officer Morse, are you prepared to be interviewed at this time?

A: Yes, I am.

SR: Okay I think that completes what I need to do. Any questions?

SB: That's all thank you for your time.

Q: Okay. This interview is regarding OCC case number 179-14. It is taking place on Wednesday April the 1st of the year 2015. The time is approximately 10:35 AM at the OCC. Conducting this interview is Investigator Helen Calderon. Also present is acting Senior Investigator Sherry Fletcher. And the member being interviewed is Officer Roger Morse number 1923. His representative attorney is Steven Betz. Officer Morse, have you read the statement of complainants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted] and [redacted] concerning an incident at Bernal Hill Park on Friday March the 21st of the year 2014?

A: Yes, I have.

Q: Have you read General Order 2.08?

A: Yes.

Q: Have you read rule 21 General Order 2.01?

A: Yes.

Q: Have you read Section 1A of General Order 2.04?

A: Yes.

Q: Do you understand these orders?

A: I understand them

Q: Okay Officer Morse, you're obligated pursuant to the above DGO's to cooperate with this OCC investigation, provide your full assistance and answer all questions posed to you during this investigation, truthfully and without evasion. If your representative interferes with or obstructs this investigation you will be deemed to have failed to cooperate and be subject to discipline in violation of DGO 2.01 and DGO 2.04. Officer Morse, are you prepared to be interviewed at this time?

A: Yes, I am.

Q: Officer, how long have you been with SFPD?

A: A little over nine years now.

Q: And how long have you been in law enforcement?

A: The same amount of time. I wasn't, yeah.

Q: Okay.

A: I wasn't part of any other department.

Q: And what was your assignment on the date of this incident?

A: I worked the Ingleside District and I believe we were the 5 car, which is designated 3 Henry 15 David.

Q: And were you working with a partner?

A: Yes, I was.

Q: Who was your partner?

A: Officer Nate Chew.

Q: How long have you been working with Officer Chew?

A: I'm not sure because he's not my regular partner. That might've been the first time in the few days I worked with him.

Q: Okay. Were you in uniform that day?

A: Yes, I was.

Q: Can you describe the uniform you were wearing?

A: It's the standard class B's. Just pretty much like I'm wearing here.

Q: (inaudible)

A: Standard long sleeve uniform with you know regular uniform pants, the wools.

Q: What equipment did you have on your person?

A: just the regular like gun belt with the gun, gun's holster, the mag pouch with the two mags, handcuffs, baton, OCC, radio, handcuffs.

Q: And what was your primary weapon that day?

A: What do you mean?

Q: What is the main weapon that you carry?

A: Oh it's Sig Sauer, 40 caliber.

Q: Did you have a backup weapon?

A: No.

Q: Was your gun fully loaded that day?

A: Yes, it was.

Q: How many rounds?

A: 13.

Q: And did you have extra magazine?

A: Yes two.

Q: And how many rounds in each magazine?

A: 12.

Q: did you have any less lethal options available on your person that day?

A: I had my OC. My (inaudible) stick.

Q: And were you in a vehicle?

A: Yes.

Q: What vehicle were you in?

A: Right now I don't remember which one it was. I think yeah I don't remember the number.

Q: Is it a marked car?

A: Yes.

Q: Were you the driver or the passenger?

A: I was the driver.

Q: And what equipment did you have in your vehicle?

A: I don't recall at this time.

Q: Okay. Did you have any less lethal options in your vehicle?

A: I don't remember.

Q: Okay so please tell me in narrative form what brought you to Bernal Hill that day and what happened with Mr. Nieto when you were there?

A: Okay. We were in Ingleside 6 car which Visitacion Valley. We were down there visiting some local kids down there. We got -- the call came over the radio that there was a man with a gun walking around Bernal Heights Park with red jacket on. So, we heard other units come up for it. And just the nature of the call is okay we gotta go to it. So we drove there. I'm not sure of the time frame how long it took us to get there. When we came up, we came up Anderson, which is the southside to the hill. Cuz as we're en route there's a lot of confusion of where this subject might be. It wasn't really clear. So we started on that side. There were some officers arrived before us and they were saying it was clear on that side. So then we went around to the north side of the hill which is Folsom. And as we're getting to that side we hear over the radio that they're

taking on one. I believe it was Sergeant Sawyer's voice, but I don't, I wasn't sure about that. From where they're at, there's a gate, a locked gate. But next to it is a little guess you could say a handicap ramp plus a walkway pressing garbage cans in between some rocks. I've been in Ingleside a little over six years of the time so I know we can, a patrol car can fit through there. So as we're going through, as I'm driving through the rocks I should say, we hear gunshots ring out. My partner, which is Nate Chew, says shots fired.

SF: Did he say that to you?

A: Yeah.

SF: Not over the radio?

A: I don't think he did, no.

SF: Okay.

Q: And then what happened?

A: And then so, I activated my light bar and there was I want to say I don't know 10-12 cops on foot kind of walking up the hill because they didn't know how to get through the gate. So you gotta park and walk up there if you don't know how to get through the rocks. That's neither here nor there. Pass them. Not sure exactly how far I drove. I thought it was a couple hundred yards but once we get there their car is sort of off to my left. So I pull up sort of back and to their right. Passenger door was open. There was an officer kneeling down. Couldn't tell who it was at the time, but I knew he was okay. Looked like he was returning fire. So I looked up there was a subject matching the description in CAD. He's -- I don't remember how far away he was but he was proned out and I just see, I hear gunfire and I see what appears to be a gun in his hand. He has a grip like he's holding a gun and I just see flashes and dust popping and gunfire. I said okay. this subject is firing at us. I see the passenger is okay and he's engaging the subject. I couldn't see the driver from where I was at. So when I got out I need to check on the driver. I knew Nate Chew got out the passenger side, but once he got out I don't know where he went or what he did.

So I walked around, so our cars were like this. Probably like that. So I get out, walk around this way. So the driver was Schiff now that I know that. And he's in the driver's seat sort of off to the side and he was fine.

Q: Uh-huh.

A: And he was returning fire towards the subject. So once I knew he was fine, I looked at the threat. It was still a threat. It looked like he was still actively firing the gun. I couldn't tell who he was aiming at anybody particularly. So then I engaged with my firearm.

Q: And then what happened?

A: So as we, you know, fire my duty weapon at him, and then after you know the time frame of when Sawyer said stop firing and see the subject is kind of, I don't know how to describe it. Kind of like cantered down like this, but he still had the firearm in his hands in the gun grip. And so we were just kind of standing there pointing our guns and Sawyer was all hey you know we gotta go up and clear 'em. I was like no we don't just cuz, it just still appeared to be a live threat for us. You know engage in a gun fight at the time. He's like no we gotta go clear 'em. Said okay. So I started to walk towards him, and I want to say Nate Chew was behind me. But I am just not sure who came up with me. I know they did, I just don't know what order, who was where at the time. So when I walk up to him, I'm pretty much, his arms are still kind of outstretched and his head down. He's kind of rocking a little bit. And so when I get up right on top of him, I see the yellow, what do you call 'em. Plastic yellow markings on the, I guess it's the barrel. I'm like okay, you know it appears to be a taser. And then somebody, don't know who, says you gotta get the weapon out of his hand. I didn't wanna lean over and grab it, so I just sort of a light tap at first. I didn't know how hard of a grip was, nothing happened so I kicked it medium, pretty hard. And it went, I'm not sure how far away it went. But it came out of his hands. And then I don't know who first started to roll him over. I think it was Nate Chew. Handcuff him and then Officer Schiff and him rolled him over and started to render aid. And

then at that point I knew that they had that part handled so I walked back to my car just to start getting other equipment for crime scene and I was getting on the radio telling officers that weren't there that we need to stay at the gate to try to open it because some of us know the code. I don't memorize the code for the ambulance and fire to get there. Otherwise they're gonna have to walk kind of a long way and delays the aid. And I may have been on scene for a few more minutes when they said hey you guys gotta get out of here. And then a couple of cops drove me back to Ingleside Station.

Q: Okay. I'm gonna ask you some questions and some of them may seem redundant but I have to ask. Okay so going back to, what brought you to the location of the incident initially?

A: The call came out as a man with a gun I believe it was.

Q: And what was your reason for contacting Nieto?

A: Well we went to the area to just contact him and you know take on a subject that had a gun on his hip.

Q: What information did you receive prior to responding to the call?

A: The other stuff was like, some description I just don't recall what it was. I know there was like a red jacket. And then he was acting, the subject was acting erratically bothering other people that were on the hill or on the path. And there were several callers indicating this.

Q: Okay and then I'm gonna ask you again to explain how you approached the scene with your vehicle and then have a map where you can place your vehicle and (inaudible) relation to where the suspect was so-

A: Okay

Q: So you can see this is the uphill part. So this is going downhill this way and that's the Folsom side.

A: Okay.

Q: And then kind of curves up and that's the downhill side. And this is I guess the dirt path, and this is the paved road.

A: Okay.

Q: If you can –

A: Draw?

Q: Draw where your vehicle came to a rest in relation to the other vehicle that was already there.

A: Okay best to my recollection here.

Q: And all this is not to scale.

A: Right. Do you want me to put their too, theirs?

Q: Would just like to know where it was in relation to your-

A: About there.

Q: Okay. For the record what position do you call this?

A: Number one, vehicle number one that'll be Sawyer and Schiff.

Q: Uh-huh.

A: And then number 2 will be me and Officer Nate Chew.

Q: And then you described exiting, so which way did you exit your vehicle?

A: So I'm the driver.

Q: Uh-huh.

A: So I believe I went around this way to the driver's side.

Q: Okay. To the driver's side of car number one?

A: Car number one which is Sawyer and Schiff's.

Q: Uh-huh. Is it, to cover? Did you take any cover?

A: Once I got there yeah it was just behind the door and the engine block.

Q: Okay and once your vehicle came to rest did you call for any other back up or any supervisor to?

A: No.

Q: Okay. And can you please describe the scene for me once you get there, what does the scene look like?

A: It's – well the subject is proned out probably it seemed like he was somewhere here. And then there – we were downhill.

Q: Uh-huh.

A: Don't remember (inaudible) the grade and there was just trees. And then I believe some (Inaudible) I just remember just trees and uphill. And then there was just nobody else anywhere around. Dogs, kids or other people.

Q: Okay.

A: Still light out. I just don't remember exactly how bright, but I know we didn't need our headlights. I know I didn't use our spotlights. Didn't use the flashlights.

Q: And do you remember what the weather was like?

A: Um, No, I don't at this time.

Q: Okay so at this point you stop your vehicle. You look at Nieto, can you describe physically how Nieto looked at that point?

A: Sure. He's proned out with his head like upper body head towards our vehicles. His head is up. His arms are fully extended, and they're gripping the gun and just pointed at us.

Q: And from there could you tell like what race was he and physical description of him?

A: I just remember he was a big guy and the red jacket.

Q: Did he appear injured at that time?

A: Uh-uh.

Q: Were you given any information as to the mental health status of Nieto prior to going up there?

A: What do you mean like?

Q: Any information about his behavior or?

A: Well none of the callers knew who he was but they just saying he was acting erratically.

Q: Okay. And then prior to going up there were you able to discuss any tactics?

A: Um no.

Q: And why not?

A: Coming to this side I know this area. Everything is downhill. There's nowhere to really hide or protect yourself except with maybe the car. Once you get out of your car and you're there there's really nowhere to protect yourself and take a safe area of engagement.

Q: And then once you got there did you did you reflect your proper status to dispatch?

A: I don't recall.

Q: Okay and what was your communication with your partner or the other officers at the scene when you arrived?

A: Um –

Q: Was there any communication?

A: No communication.

Q: Okay so at the point that you exit your vehicle, you go up to vehicle number 1 driver's side. Which officer was that on that side?

A: Schiff.

Q: Schiff okay.

A: At the time I didn't yet know who it was. but I mean later after.

Q: From there and go back are you able to see Nieto from there?

A: Yes.

Q: And about how much was the distance? Between you and Nieto?

A: My guess was 25 yards.

Q: And when you go up to that point and see Nieto what are you doing at that time?

A: At first I was looking at Schiff to make sure he was okay. Didn't have any problems. Then when I looked at Nieto he was still on the same proned out position with the gun in his hand and he was – still in a rocking motion. See some flashes and some dust popping up.

Q: Okay and was your weapon drawn at this point? When did you draw your weapon?

A: Once I saw Schiff was okay and Nieto still had that same position that he was a threat, that's when I drew my weapon.

Q: And when you saw Nieto, had you ever seen him before?

A: I didn't recognize him.

Q: And when you went up, did you have any communication with Nieto?

A: I was just saying don't move. Drop the gun.

Q: Was anyone else giving any verbal?

A: Not that I recall.

Q: And was there any response from Nieto?

A: No.

Q: And what made you believe that Nieto was a threat when you saw him?

A: The gun was still in his hand. He was still slightly moving. Just didn't really see any injury at the type of distance. I started walking I didn't see any injury. So-

Q: And from when you saw Nieto when you moved up there, were you able to see Nieto's weapon?

A: From where?

Q: From when you were behind Officer Schiff?

A: Yes.

Q: Can you describe the weapon that you saw?

A: A black semi-automatic handgun.

Q: And did you see any stripes or colors on it?

A: No, I did not.

Q: At that time where was Nieto pointing his weapon?

A: I know it was in our direction. I didn't know if it was directly at a certain officer. I just knew that it was towards us.

Q: Okay and at what point did you begin to fire your weapon?

A: Once I came around Schiff and Sawyer's vehicle, which is the number 1 here. Came around the backside to the driver's door. Once I saw that Schiff was okay. He didn't need any medical aid or need to be pulled out of there. I looked at Nieto and he looked like he was still engaging us in a fire fight. So he was still a threat. And that's when I started firing.

Q: And can you describe the sequence of your firing your weapon?

A: What do you mean?

Q: Was it continuous, was it paused?

A: Continuous.

Q: Do you know how many rounds you shot?

A: No, I don't.

Q: Did you pause at any time during the time that you were shooting?

A: No.

Q: And what was your target?

A: Initially, it was the center area of his body, the bigger mass.

Q: So from when, when you fired your weapon what position were you in?

A: I was standing behind Schiff's door, which is vehicle number 1's driver's side door.

Q: So you were standing. And what was Schiff doing while –

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A: He was in the, sort of half in sitting in the driver's seat. And then his gun was pointed through the door and the A frame.

Q: And you were standing behind him?

A: Behind the door.

Q: I mean behind the door?

A: Yeah.

Q: And how did you hold your gun?

A: In the standard two-handed grip.

Q: And once you began firing did you move?

A: No.

Q: While firing?

A: No.

Q: And what was the background when you were firing?

A: There was, (inaudible) sorry. Angle so it was downhill towards us. So we were aiming uphill with just sky and trees.

Q: And while you were firing did Nieto fire at you?

A: I know that he was firing in our direction.

Q: And did you remain standing the entire time?

A: Yes, I did.

Q: Did Nieto pause at any time while you were firing?

A: No.

Q: Did Nieto appear to be struck or injured by any of the bullets?

A: Not that I could tell at that distance.

Q: At any time that there was the exchange of gunfire was Nieto saying anything?

A: No.

Q: And once you were behind Schiff did you know or were aware of where your partner was?

A: No.

Q: Was there any exchange between you and your partner or any other officer while you were firing your weapon?

A: No.

Q: And at what point did you stop firing your weapon?

A: When Sergeant Sawyer yelled stop firing.

Q: And then when you stopped firing what was Nieto doing?

A: He was still in the prone position. His head was kind of – kind of down now kind of at an angle. Still had his two-handed grip on the gun and started pointing down towards us.

Q: And at that point did he say anything?

A: Nieto?

Q: Or could you hear any sounds from him?

A: No. No.

Q: And what did you do after you stopped firing?

A: I still had my gun pointed at him and then that's when Sawyer was saying okay now we need to clear him.

Q: What do you mean by clear?

A: Well since he still had the gun in his hands. So we had to you know at least before we do anything like render aid or anything like that, we have to at least make it safe for us to start that. So if somebody says we gotta clear him we gotta get, you know, get the weapon away before we do anything else.

Q: And how did you approach Nieto at that point?

A: So I was still over here behind the door. So I had to go around the door so that would've

been from his right sort of, you know at an angle so that the gun wasn't pointed at us. Or it wasn't aiming at me. So it was sort of to his right at an angle.

Q: And did you still have your weapon drawn in the approach?

A: I did.

Q: And once you approached can you tell me what was Nieto's condition when you approached?

A: Once I got there, he was still rocking slightly and then the gun, but right when I got up to him, pretty much standing over him and said oh it looks like a taser. And then somebody said get it out of his hand. And like I said I kicked it once, but the grip was still pretty strong, so I kicked it harder and it flew out. And then Nate Chew handcuffed him, and he was rolled over. There was, he was gurgling and then I don't know if it was Nate Chew or Schiff, one of them started to render aid in some fashion, I just don't recall what it was.

Q: Okay. so you said once you got on top of him or over him?

A: Over him.

Q: Uh-huh, did you-

A: His arms were outstretched over – yeah standing up over his outstretched arms sort of off to his right.

Q: Okay. And at that point you said that you could tell that it was a taser.

A: It looked like one to me. I'm not too familiar with 'em so just –

Q: And could you describe what it looked like at that point?

A: To me, it just looked like a box ears semi-automatic handgun. Then I could see the yellow stripes on the barrel.

Q: And do you know who rendered aid?

A: I don't remember who it was, but I remember Nate Chew and Officer Schiff were the

ones that were handcuffing and rolling them over. And they were kind of like getting down towards him like kneeling down and –

Q: Okay. And did you search Nieto?

A: I did not.

Q: Okay so you didn't give aid and you didn't handcuff him, and you didn't search him?

A: No.

Q: Do you know who searched him?

A: No, I don't.

Q: Okay. And do you know who did the handcuffing?

A: I believe it was Nate Chew.

Q: And do you know if during the time Nieto was still alive?

A: I don't know. I don't know if he was still-

Q: And at what point was an ambulance called?

A: I remember hearing over the air Sergeant Sawyer I believe it was his voice called for one right away.

Q; Do you know what point?

A: No, I don't recall at this time. And then I called for one a little bit later. Don't ask me why I did but I called for another one.

Q: You did, okay. Were you present when the ambulance arrived?

A: Yes.

Q: And what happened when they arrived?

A: I wasn't near Nieto at that time. I was more at the back of my car, so it was pretty much like they were passing by. I didn't see what they did as far as aid.

Q: And then you mentioned earlier you were at your vehicle getting equipment out?

A: Yeah like setting up, starting to set up for the crime scene. Crime scene logs. People were asking for crime scene tape and chalk.

Q: And did a supervisor respond to the scene?

A: Yes.

Q: And who was that?

A: Sergeant Sawyer was already there and then I believe the first one was Sergeant Riskin.

Q: And did you speak to him?

A: I don't remember speaking to him at this time.

Q: And did you provide a public safety statement to anyone at the scene?

A: Not that I recall no.

Q: Were you injured as a result of this incident?

A: No, I was not.

Q: Do you recall experiencing any perception or distortions?

A: Not that I recall.

Q: And who did you speak to about this incident?

A: As far as what happened or just?

Q: Yeah about the shooting.

A: I remember the first inspector who was investigating it was that I spoke to. It as Bonner maybe. I'm not sure. One of the homicide inspectors.

Q: (inaudible).

A: Whoever was present during my interview at homicide, I don't remember everybody that was there that were directly involved.

Q: Okay.

A: (inaudible) inspectors. I don't remember who they were.

Q: And did you provide any other statements to the officer preparing the report or did you write any statement?

A: No. I didn't speak to the report writer at all.

SB: You gave an IA statement right?

A: Yes.

Q: Do you have any training or experience with tasers?

A: No.

Q: Do you know the – visually the difference between a gun and – a firearm and a taser?

A: If I can hold them up close sure, but no not at that distance.

Q: What are some of the differences?

A: Like I said I'm not familiar with them at all. So I can hold, they appear (box ear) and they usually have those yellow stripes on it or some other yellow markings on it. Like bright yellow.

Q: Okay. During this incident did you see Nieto's weapon with a laser? You didn't mention anything about a laser.

A: Yeah, I don't recall a laser.

Q: Do you have any experience with weapons with lasers?

A: No.

Q: Okay. this may seem redundant but (inaudible) why you decided to fire your weapon? Like what was your state of mind?

A: Sure. I thought Nieto was shooting at our fellow officers when we pulled up trying to kill them or harm them in some way. So he was still a threat even when I went around to Schiff and I was like okay he's still trying harm us or kill us with this gun and exchange of gunfire was going on when we arrived. So that's when I returned fire.

Q: Did you have any other options besides firing your weapon?

A: No.

Q: Would having information on Nieto's mental status, would that have changed the manner in which you responded to him?

A: No.

Q: Why not?

A: Because it's a man with a gun and that trumps anything.

Q: And how are you trained to respond to a gun call?

A: That's pretty broad. I guess it all depends on where it's at or you know where your responding to. Who's gonna be around; what kind of cover there might be; who's responding with you; are you gonna be by yourself; what time of day.

Q: Uh-huh. Are you trying to do an investigation when there is a gun call?

A: In what sense like -

Q: Are you not getting prior information? Are there any steps that you're required to take?

A: No. Just also provided with enough before we find the subject.

Q: Uh-huh.

A: Try to get to him first before we actually talk to any citizens because he's the main threat. So as long as a description is provided and where they're at we'll go there first.

Q: Okay so you're not required to speak to any of the 911 callers anything like that?

A: We try to en route before we get there or have dispatch do it like hey where is he at now. You know what's he doing? Try to get as much information before we arrive.

Q: When are you trained to call for an ambulance when responding to a gun call?

A: We're not trained to respond with a gun call.

Q: Okay.

A: I mean we get gun calls all the time. We don't ask for an ambulance to stand by.

Q: Okay. What about if someone is injured?

A: Pretty much when the scene is safe, or we feel that we can have them – how do we kinda call it like we will have them park some distance away. So at least they're safe and have them on standby. When the scene is safe when we start rendering aid we go okay we know it's safe enough for them to come up. They won't come up if there's any chance of them getting hurt.

Q: Uh-huh how long are you expected to provide first aid?

A: Until the medics arrive and take over. Depending on what it is, sometimes they say no keep going with what you're doing. They'll (inaudible) like it is you know. Compressions or whatever they'll, if somebody is already engaged in that we'll just keep going unless we're tired.

Q: I think you already answered this but I'm gonna ask it to make sure. Why wasn't first aid given prior to him cuffing or searching?

A: That parts you know rendering him you know protecting us. We don't know if he's still a threat or if he has other weapons on him even though I kicked the taser out. So handcuff you know keep him from grabbing any other weapons. And then roll him over, provide aid and usually people aren't really cooperative even when we're providing aid.

Q: Uh-huh. Okay so now please tell me what training do you have in the use of force?

A: The standard academy training. And then which includes FATS. And then they do that in AO. So I think I've been maybe three times since the academy. Not too sure on that one.

SF: Where have you been three times?

A: Advanced officer training.

SF: That's the AO?

A: Yeah. So I have FATS though too still, so I think it's about three times since I've been in. or since I've graduated.

Q: In your training are you trained to fire at a specific body part to disable a suspect?

A: We are trained to fire center mass, it's the bigger target.

Q: Do you have anything more?

SF: You said center mass, but do you receive training to disable a suspect?

A: We receive the training to pretty much fire until there's no longer a threat.

SF: I wanted to ask you when you arrived you said that you got your, you were driving correct?

A: Yes.

SF: You got out of the driver's door. Out of number two.

A: Uh-huh.

SF: And you moved from there over to the first vehicle that had arrived?

A: Yes.

SF: That patrol car.

A: Yes.

SF: Why did you move from there.

A: Yeah sure so at the time I didn't know who was who. But sawyer was crouched down. He looked like he was okay and engaging Nieto. So I knew he was fine, he didn't need any aid. But I couldn't see Schiff. I didn't know his status if he was injured or needed help. So that's why I went over to his side.

SF: So you moved over to the other vehicle to check on?

A: Officer Schiff.

SF: Schiff.

A: Uh-huh make sure he was okay.

SF: And you said he was still, or he was seated in the driver's seat?

A: Yeah, he was sort of you know the seats kind of have a rise on there. He was on the edge and his arms were through the, when you open the door there's the A frame and there's that little space between that door and the A frame and his arms were through there.

SF: Did he have one leg out on the ground and one leg in the vehicle?

A: Not that I recall right now.

SF: Was he crouched down is that why you couldn't see him?

A: No he was just sitting so but he was kind of like sitting off to the edge of the seat so he could lean out.

SF: Okay. And when you checked the position of the fire were you adjacent to him? Right next to him?

A: Yeah, I was pretty much right next to him.

SF: But you were still behind the door?

A: Yeah because the door was open.

SF: Uh-huh. You also talked about seeing flashes. Can you tell me a little bit more about that?

A: To me it looked like flashes when a gun is fired. When the bullets expel there's the explosion of gun powder

SF: And where exactly did you see that coming from?

A: Towards the end of the gun.

SF: Whose gun?

A: Nieto's

SF: Okay. How many flashes did you see?

A: Multiple. I just don't recall an exact number right now.

SF: You said you also so dust flying up.

A: Yeah, like little puffs of dust.

SF: Coming again from where?

A: From where Nieto's gun where he was firing. So it looked like to me just kind of Nieto

was firing the flash and just the explosion of his gun going off that kicks the dust up and there's the flash.

SF: So that was happening around his weapon that he was holding?

A: Uh-huh.

SF: How far in front of his weapon could you tell?

A: It pretty much right at the end of the barrel.

SF: Earlier you said that at one point you could see Nieto's head was cantered down and then later you described that as being his head had dropped to the side?

A: Yes. So that was when we, when I approached him. Sorry, when Sawyer said stop firing. So then his head was I guess down to his left, so he was still looking to our right and his arms were outstretched so it was kind of like down.

SF: So his head had kind of dropped down?

A: Yeah.

SF: You also talked about when Sergeant Sawyer said that we need to clear, to clear him.

A: Uh-huh.

SF: And it sounds like your immediate response was not yet.

A: Yeah, it was like well he's still, not yet he's still a threat because you know his arms are still outstretched and it's you know there's no cover for us so we're gonna walk like I said I think it was 25 yards or so with no cover to walk up to him.

SF: Okay.

A: And it was pretty quick. I don't remember what I said to him. He was like, yeah we gotta do it, let's go. Move.

SF: Did you feel it was safe to do so at that time?

A: No.

SF: You felt that maybe you should have waited?

A: At the time, right now I don't know why I said that. I just knew he was still a threat and it wasn't safe to move out from cover yet. I knew a bunch of officers were still running towards us. But like I said I trusted Sergeant Sawyer's direction, so it was pretty quick. He was just like no we gotta go, let's go. Okay and then we'll go.

SF: All four of you walked up at that time?

A: I don't recall. I know, I said I don't remember who was behind me, but I know there was people moving with me. I was just in the forefront and there's nobody like directly next to me. but once I got there I just knew that there was people around me I just don't know who or how many.

SF: So you were the lead officer you would say?

A: Uh-huh.

SF: Okay that's all that I have.

Q: Okay officer, is there any other statement relevant to this incident that you wish to make at this time?

A: None.

Q: Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

A: No.

Q: Mr. Betz, any?

SB: Nothing

Q: Clarifying questions. Okay if there's nothing further I will conclude the interview. The time is approximately 11:30 AM. Thank you for your time officer.

END OF INTERVIEW

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

--o0o--

I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 27, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 002122

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: **OFFICER SCHIFF**

INTERVIEWED BY: **INVESTIGATORS CALDERON AND FLETCHER**

DATED: **APRIL 1, 2015**

SFDPA - 0179-14 - 002123

Q: INVESTIGATOR HELEN CALDERON

SF: SENIOR INVESTIGATOR SHERRY FLETCHER

A: OFFICER RICHARD SCHIFF

SB: ATTORNEY STEVEN BETZ

Q: Okay the interviews regarding, you want to speak first or?

SB: Sure, I'll just, so real quick this is Steven Betz. It's April 1st, a little after 7:00. I just want to put on the record before we start here with the interview with Officer Schiff, that Officer Schiff is willing to cooperate with the interview in the process, but he considers this a compelled interview based on his duties to comply with the rules of the city and the Police Department. Uh, so it's a, not a voluntary, it's a compelled interview.

Q: Okay.

SB: Yeah.

Q: This interview's regarding OCC case number 0179-14 and it's taking place on Wednesday, April the first, of the year 2015. The time is approximately 7:05 PM at the OCC. Conducting this interview is Investigator Helen Calderon. The, also present is acting senior investigator, Sherry Fletcher. The member being interviewed is Officer Richard Schiff, number 1968. His attorney is Steven Betz. Officer Schiff, have you read these statements of complainants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] concerning an incident at Bernal Hill Park on Friday, March the 21st, of the year 2014?

A: I have.

Q: Have you read General Order 2.08?

A: I have.

Q: Have you read rule 21 of General Order 2.01?

A: I have.

Q: Have you read section one, 1Aof General Order 2.04?

A: I have.

Q: Do you understand these orders?

A: I do.

Q: Okay, Officer Schiff, you are obligated, is it Skiff or Schiff?

A: Schiff.

Q: Okay, Officer Schiff, are you obligated pursuant to the above DGOs to cooperate with this OCC investigation, provide your full assistance, and answer all questions posed to you during this investigation truthfully and without evasion. If your representative interferes with or obstructs this investigation, you will be deemed to have failed to cooperate and be subject to discipline for violation of DGO 2.01 and DGO 2.04. Officer, are you prepared to be interviewed at this time?

A: I am.

Q: Okay. How long have you been with SFPD?

A: I've been there at San Francisco Police Department I believe as of May 2013. So, was like coming on a little over a year that I've been on the street.

Q: And what was your assignment on the date of this incident?

A: Standard assignment. Respond to calls for service, enforce laws, was working with Sergeant Sawyer. And I was part of the FTO Program at that time.

Q: Okay and were you working with Sergeant Sawyer just that day or throughout your whole FTO?

A: So, we're assigned a Field Training Officer, my Field Training Officer at that time was Officer Fugato. Once a week we do a ride along with our sergeants so they can evaluate our, our

progress. And that was what I was doing at the time was I was like doing my ride along with the sergeant.

Q: Okay.

A: When we responded to the call.

Q: And were you in uniform?

A: I was in full uniform driving a marked police vehicle.

Q: Can you describe your uniform?

A: It is a class B uniform issued by the department. I have a star on it with my star number, name tag, and utility belt along with pencils.

Q: And what equipment did you have on your person that day?

A: On that day, the kind of equipment I had would be a standard equipment issued by the department. My department issued handcuffs, baton, magazines, (Saber Red) OC spray and firearm.

Q: And what was your primary weapon that day?

A: My primary weapon?

Q: Uh-hum.

A: Right, in regards to?

Q: Firearm.

A: Yes. My firearm is my primary firearm.

Q: Oh.

A: But I, you'll see I do have other.

Q: Uh-hum.

A: But it also depending on what it is I'm using.

Q: Okay, and did you carry a backup weapon?

A: I do not.

Q: Was your gun fully loaded?

A: It was.

Q: And how many rounds?

A: In the firearm right now or was on that date, 13.

Q: That day, yeah. And, did you have extra magazines?

A: Yes, two.

Q: And how many rounds in each of them?

A: Twelve in each.

Q: And did you have any less lethal options with you on your person that day?

A: I believe one in the vehicle, although I, I can't recall exactly if we did or did not. But typically, every time especially in field training and when I'm on the street, I tend to have my primary firearm and a less lethal ERIW.

Q: And were you in your vehicle?

A: Which vehicle, the one, or was I in the, the vehicle that responded? Yes.

Q: And do you know which vehicle it was?

A: I do not recall the number of the vehicle.

Q: But it's a marked vehicle?

A: It is a marked police vehicle.

Q: Were you the driver or the passenger?

A: I was the driver.

Q: And what equipment did you have in your vehicle?

A: Standard equipment. Both (inaudible) in the back. Standard patrol equipment that we have in every vehicle.

Q: Okay. So please tell me in a narrative form what brought you to Bernal Hill Park that day and tell me about your interaction with Mr. Nieto that day.

A: Okay, well I'll try and be as specific as I can although it, have to say it has been a year, so my recollection definitely is not what it was especially on the day of the incident. But to my recollection somewhere after, I believe it was 1900 hours, I just conducted a traffic stop with my sergeant, Sergeant Sawyer. We were discussing the details of that stop since I was being evaluated at the time when a call for service came out. A high priority call regarding a man on another, northern side of Bernal Heights who had, according to the call taker, a firearm in a holster on his right hip. We responded up to the call. Initially I came on the north side of the hill. I do recall actually in the car with my sergeant discussing, you know, what kind of call could it be. You know, who, who could be there, who would typically have a firearm. All training things as we normally discuss since he's a Field Training Sergeant. So I, I came up on the northern side of the hill, considering there, anytime there's a possibility of a firearm involved, you want to be as tactically safe as you can. So by approaching on the northern side of Bernal Heights, that puts me in a position of advantage. The southern, coming from the southern side of Bernal Heights would put me in, on a descending grade and if somebody did have a firearm, it would be, it would be not safe. It's not, well you know, there's no safe, but it would be less tactically sound than coming from the north side. However, got to the north side, and the gate had been locked and blocked off. So I couldn't get through. So I drove around to the, to the opposite side, or maybe, I may have that confused, it may be the opposite. But, drove around to the lower part, where the front gate to an access road that leads up as an ascending grade, leads up spiraling around the hill to the towers. I was able to use my vehicle to drive around the side of the gate there and gain entrance to the, to the access road. And we started proceeding up the access road. We had a description of the man who was wearing a red, supposed to be wearing a red shirt, or red color clothing if I recall correctly. We passed, I believe we passed one man on the, going up the hill who didn't match the description. We continued to go up. As we came up the hill about 50 yards in front of us, we observed someone walking steadily towards us who matched the

description provided by dispatch. We, he continued to walk at us which -- with a purpose and, and just to define what a purpose is, is he wasn't walking down the hill like other people were walking down the hill where they're gradually walking down. He was walking with, you know, at a greater speed, straight at our vehicle. And we're, you know, if you think about it, if it's an access road that goes up the hill, it, it's very unusual when you have a marked police vehicle in an unusual place like that coming up the hill, to walk straight at the vehicle. So it, kind of threw up a red flag in our eyes, in our minds, or at least in my mind thinking that's not, that's not normal. That's not someone, that's not something that someone normal, that people normally do. So we got a little closer, about approximately 30 yards away from the individual. I put the car in park. I exited the vehicle and I drew my firearm. Especially when we go to a call that may involve a firearm our, our main priority is to making sure that we make the scene safe. We make the situation safe. We find out whether or not there's merit to a firearm being there. If there's merit, we try to make sure that we, you know, we take care of that situation and make it safe. So, I drew my firearm. My sergeant and I both gave Mr. Nieto orders, said, show us his hands. Nieto immediately stopped at about 30 yards away from walking towards us. Took a bladed stance and to define what a bladed stance is, it's when you put your feet shoulder width apart, one foot slightly back, most recognizably a fighting stance. So it's an aggressive stance. We continued again more, "show us your hands, show us your hands." Nieto looked up. I could see Nieto looking in my direction and said, "Show me your hands." Then Nieto lifted his shirt and exposed on his right hip what appeared to be a firearm. Nieto then drew the firearm and brought it up to a point with both hands, pointed it at a, in my direction. And I could see what appeared to be a red light emitting from it. I'm not sure how familiar you guys are with, with a firearms but, one of the tactics some people use is called a laser. And they'll put lasers on firearms to make them more accurate when they shoot especially at greater distances. So, we, I recognized that immediately to be possibly a laser. He then, we then engaged him with a fire. And then I began

exchanging fire with him. I believed he was returning fire at that time. I believed my life was in jeopardy. The life of my sergeant could have been in jeopardy and the lives of anyone else standing around that area could have been in jeopardy if we didn't stop that threat. At that point, he, he appeared after several volleys of shots, he appeared to stay at the standing position, kept the same bladed stance, and continued to have the weapon up and pointing at us in our direction. I continued to engage him until he appeared like he, if he appeared to try and go into a, a prone position and, again, I'll explain that since it's a, a prone position it's a, it's a, something you'd expect if someone some sort of fire fighting training and sort of military kind of training. A prone position is where he was standing in the hill, he would not have had any cover or concealment. So a tactic would be to try and sprawl out on your stomach and pull the leg behind you and bring your firearm up in front of you making yourself a smaller target. But so that you can still engage. So it, he appeared to go down to the prone position. I continue to see that red light the entire time. We continue to engage him until I heard my sergeant yell, cause I assumed he had seen something I couldn't see. He called for a cease fire. So, due to our training, I know that when my sergeant calls a cease fire, we cease firing. So I immediately stopped firing. At that point, I could see that he'd, he had, his head had gone down and I'm not sure where was his hand was at that point or how, if he still had the gun up at that point. I can't recall but, so, my sergeant recognized something said cease fire. Then I realized that Officer Chew and Officer Morris had arrived. And then we tactically moved up towards the suspect. Officer Chew and I put him in handcuffs. And then I immediately searched him to make sure, well before that actually, Officer Morris -- once we got closer, I could see that the weapon was on the ground. And I recognized it to be possibly what I, I thought was a taser at that point. Officer Morris then kicked the gun out of his hand which was still in his immediate area reach. And Officer Chew and I handcuffed him. Searched him immediately to make sure that he didn't have anything else that could be a threat to me or other officers. I then began attempt to render aid. I overheard on the radio that a 408 or

an ambulance had been called for. So I knew that that was en route. But I immediately assessed his pulse and I was about to start compressions when other officers arrived and pulled me off and said, asked if I was involved, and I said, yes. They took over at that point, rendering aid and told me that I needed to be separated. I then left with the, the one off, the couple officers and was separated and you know, began the night investigation and so forth from there with the homicide and everyone else.

Q: Okay. Okay so now I'm gonna ask you some questions and some of them will be redundant. Okay so what brought you to the location at the incident?

A: A call for service regarding a man with a gun.

Q: And what was the reason for contacting Nieto?

A: Because uh we had received several calls that there was a man on Bernal Heights with a gun.

Q: And what information did you receive prior to responding to the call?

A: In terms of?

Q: In terms of the call.

A: We received that he was up there wearing a, we had a somewhat of a description of him, red shirt. I can't remember the rest of the description dispatch provided at this time now. But that he had a holster and a firearm on his right hip. If I remember correctly.

Q: Okay. Okay, and then how did you approach the scene when – I'm gonna present a map.

A: Diagram

Q: It's not to scale. Yeah a diagram. It's not to scale.

A: Sure.

Q: This would be the Folsom sign. Can make that the hill. This is the uphill grass area. This is the paved access path. And this is the dirt path on the side of the grass, and then downhill.

A: Okay.

Q: So-

A: So-

Q: So if you can also draw where you drove your vehicle and stopped.

A: Well there's.

Q: Or where you (inaudible)

A: There's another access road down here. Like cause we saw, this is the main road here, and this would be where a gate is right here but there are several rocks there, there, and there. Now the gate you can't get through, but if you, if you know it you can actually fit your patrol vehicle through there. And so I got through there and I came up the path, driving this way about, I'd say halfway up to about here. We saw Mr. Nieto walking down this way. And then about 30 yards apart, and 25 to 30 yards, I stopped my vehicle. Sergeant Sawyer and I.

Q: Okay, I'm sorry. So this is actually the dirt path, is that what you're pointing?

A: Oh, is this the dirt path?

Q: Yeah, this is the dirt path.

A: I, I'm sorry. I thought this was your road.

Q: No, this is.

A: So what's, where's the road?

Q: This is the pave, this, this (inaudible)

A: Oh, I'm sorry. I thought this is your hillside.

Q: No, this is the. This is the hillside here.

A: Okay, oh. We'll move this same, same deal but we'll move it over one here.

Q: Okay.

A: No I, I appreciate that. But so same deal, came up this way.

Q: Okay.

A: Saw him here. Exit our vehicles here and that's when we started giving him orders.

Q: Okay. And, excuse me. And, did you call for backup at that point?

A: At that point we, especially with a high priority call like that.

Q: Uh-hum.

A: There's multiple officers responding, and I believe if you, if you would look up on the CAD, there was several, several units already responding.

Q: Okay. Okay at that point, could you describe the scene for me? When you stopped your vehicle?

A: In, in terms of?

Q: In terms of the environment.

A: The so, later, a little later in the day. Dry conditions, fair lighting. Lighting was not a factor or an issue for me. I could see clearly at that point. Behind uh, behind Nieto, I couldn't see anyone else back behind there. It was an open area. And Nieto was the only one walking down at us at that time.

Q: Do you remember what the weather was like?

A: It was a clear day, to my recollection.

Q: And at that point, can you, you my, your, you're looking at Nieto, can you describe him physically at that point?

A: Well I mean I could see him, so are you?

Q: I mean, I mean can you describe him to me. What you saw?

A: Oh describe him to you?

Q: Yeah.

A: Man I, it's been a long time, but I would say he was wearing red clothing up top, darker jean pants, and yeah.

Q: Okay. And what was he doing when you saw him?

A: Walking towards us. Speedily walking with a purpose towards us.

Q: And at any time prior to making contact with him, were you given any information regarding mental status?

A: Not to my recollection, no.

Q: Prior to having any contact with Nieto, did you observe any erratic behavior?

A: The only behavior I thought, I observed that would erratic to me in terms of what I actually saw and not from what the call takers and everyone else says, is walking steadily towards us at, you know, at a fast pace, an aggressive pace towards us. Other than that, when we gave him orders, he responded to us with, "Show me your hands." That tells me that he, that he at least understood what I was saying there. So, I guess that's, I can't really, you know, I can't comment on what, what he was, what's going on inside for him.

Q: And prior to responding to the incident, were you able to discuss tactics?

A: Prior to responding?

Q: Yeah.

A: Yes. I was in the car with my, like I said, my training sergeant. As part of, you know especially when any, when they're training every call we got a, we're discussing it, you know, what it could be what it could not be.

Q: Uh-hum.

A: I, prior in the week I responded to a similar call with a, I believe it was someone wearing tactical cloth, it turned out to be, it turned out to be no firearm there but, you know, it, it you know, you always want to be prepared.

Q: Uh-hum.

A: You never know what it's actually gonna turn out to be.

Q: And then once you got there, did you reflect your proper status to dispatch?

A: In, in regards to?

Q: Your arrival.

A: Yeah, I, I believe, when I, when I had gotten there, there was a, an issue trying to figure out where he had gone to.

Q: Uh-hum.

A: Because we came to the, so I think this was the north side, huh. So, we come in the South and the, I can't remember. But we now had gotten to the front gate down here.

Q: Uh-hum.

A: I'd let him know that we'd come 97 or, we were on scene. We're asking where he had gone at that point and dispatch was trying to message the call taker.

Q: Uh-hum.

A: At that point, I made the decision to go up through the path and search up that way.

Q: Okay, and what was your communication with your partner, or the other officers while you were at the scene?

A: While we were at the scene?

Q: Uh-hum.

A: Well, in terms of, I mean.

Q: Were you communicating with Sergeant Sawyer?

A: Oh yeah but, it depends on what your, what you mean by how we were communicating. Yes, we communicated on scene and, you know.

Q: Uh-hum.

A: For example, in the fire fight, I communicated to him that I had, I'd run dry with my weapon using standard language that we're taught at the academy in the range, which is to call out red so that my partner knows that I'm, that I'm on empty and I need to make a magazine change. In which he yells, "Covering," which means that he is now aware that I need to make a magazine change and he has to take care of my safety while I go down and make my magazine

change. Then when I'm back up and I have my firearm fully loaded, and I'm, I'm ready to reengage, I yell, "Up."

Q: Uh-hum.

A: So, communication like that, I can hear Sergeant Sawyer communicating on the radio.

Q: Okay.

A: To dispatch so there was a, that shots had been fired.

Q: Okay, so once you stop your vehicle, where, where do you go once you step out?

A: Once I step out, I mean, I get right up outside the car.

Q: Uh-hum.

A: So, door is still open and I'm standing up. Door is still under the, the car is to my right, door is right in front of me. I'm standing looking over the door at Nieto.

Q: And at that point, is your weapon drawn?

A: Yes.

Q: And were you pointing your weapon?

A: Yes.

Q: And at that point, can you tell what's the distance between you and Nieto?

A: I believe it was 25 to 30 yards, at least that's what it appeared to be to me.

Q: And, was that the first time you ever saw Nieto or did you?

A: No, that's the first time I even seen him.

Q: Okay. Okay so you, you're out of your vehicle, you stand up and then what was the first thing you said to him?

A: Well I, I can hear my sergeant and myself both yelling to him, "Show us your hands, show us your hands." You know it's a, the reason we, we call for that is because you know, if the (user) has a firearm on his hip, we want to see his hands so that we know he's not gonna go for the firearm.

Q: So when he was walking, where were, where were his hands?

A: He was walking there, I believe they were out in front of him, walking down. His hands were around his waist, around the area of his waist.

Q: So they were on.

A: Not like that, just walking steadily with his hands down.

Q: Okay.

A: And then when he stopped, that's when he took the bladed stance and his arms came up here and he came to an aggressive stance. So, he brought his hands to about chest level then.

Q: Okay. Is there a difference between saying, show me your hands and put your hands up or put your hands behind your head or?

A: I believe most people, you know, you know, when I say, you know, show me your hands.

Q: Uh-hum.

A: It means put your hands up, show me your hands. I, you know, common language. But I, I don't believe there's much of a difference there personally.

Q: Are you taught what type of commands to give?

A: mean we're taught how to give commands. I don't remember being taught anything other than you know, the stan, the standard things you'd imagine. Show me your hands, put your hands up, anything like that would be all things that we're taught in the academy to say. You know, and then we would, at that situation, had he complied, typically what we'd do is, show me your hands, put your hands up. If he'd do that then we'd prone him out, have him get on the ground, put his hands wide, where we could see them.

Q: And did, did Nieto comply or what did he say?

A: No. We told him, show us his hands, you know, he did not. He didn't - stance. He yelled back, "Show me your hands." At that point, that's when he had lifted his shirt and I could,

exposed what I recognized at the time to be a firearm. A large, black, semi-automatic. He then drew the firearm and pointed it at us. So, he did not comply.

Q: Okay, okay describe what Nieto did to make you believe that he was a threat?

A: Again, the part of it is the same thing I stated before. You know he refused to comply with my lawful orders and then he drew the firearm and pointed it at us.

Q: Okay and can you describe the weapon that Nieto had?

A: It appeared to be a – when I saw it initially it appeared to be a black semi-automatic, what I recognized to be a black semi-automatic firearm. When he pointed it at us then I saw the red light. And then the entire time I believed he was exchanging fire with us and shooting at us.

Q: What did you see or hear that made you believe he was exchanging fire?

A: A firefight is very loud. So especially when there's multiple firearms being used. You can't, it's hard to (distinct) always where exactly the fire is coming from but from what I could tell, if I remember correctly I felt like I heard it. Cuz I saw what appeared to be an explosion from his, as we found out later it would be the prongs coming out I guess. I'm not an expert on tasers.

Q: Uh-huh.

A: But you know so when you hear, you hear a lot of shooting like that immediately he could be shooting at you, you're shooting at him. It's hard to point out where exactly all the sounds are coming from. It's a very loud noise.

Q: Did you see any markings on his weapon?

A: No

Q: Did you any stripes or colors?

A: No. Not when we initially engaged him. I didn't see anything like that until I had approached him.

Q: And can you describe how he was holding his weapon?

A: He was holding his weapon up at chest level, both hands out extended pointing at me like you would with a – what you would imagine standard way someone would hold a firearm to shoot it.

Q: And where was he pointing his weapon?

A: In my direction and the direction of my sergeant.

Q: Did you give any warning before firing your weapon?

A: Before firing my weapon.

Q: Uh-huh.

A: Told him to show his hands. And it was all pretty quick. There wasn't a lot of time to give him much else. That all happened in a matter of seconds. You know telling him to show his hands to him going show me your hands and drawing himself.

Q: And why did you discharge your weapon?

A: Cuz I was in fear for my life and fear for the life of my sergeant and the people that could be behind us or in the immediate area. And I believed that if I didn't stop the threat in a matter of seconds I could be dead. My sergeant could be dead. He could harm other people.

Q: And so what did Nieto do once you were firing your weapon?

A: He continued to stand for a long period of time with his hands out in front of him and the firearm still pointing at us. So even when we were exchanging fire with him he was, he had his hands out in front, the firearm raised at us and I could see that red laser throughout the entire time. And then at one point-

Q: Did he -

A: I'm sorry go ahead.

Q: I was gonna ask you, did he move at any time?

A: Yeah, halfway through it I guess the engaging him he appeared to try and take a prone

position which means he went down to the ground as if he had moved to the ground to take a prone position with the firearm still out in front of him,

Q: Prior to going down to the ground was he moving while standing up with his weapon? Or did he remain -

A: You know it's been a long time. I think he remained pretty much exactly where he was. You know he wasn't moving back and forth.

Q: Okay. And when you fired your weapon what kind of, what type of sequence was it?

A: In terms of -- continuous fire.

Q: What was your target at the time?

A: Well, to stop the threat. So it would've been center mass. Center mass is the largest area on the chest. It's the area that we're taught to aim for.

Q: And how many times did you fire your weapon?

A: I do not recall.

Q: And what was your background when you were firing your weapon?

A: Clear.

Q: And with that stance and position were you in?

A: Me?

Q: Uh-huh

A: Defensive position as, you know, I'm believing he's returning fire with me. So I'm attempting to make myself small, less or easy of a target, so I use the engine block of the car to try and get smaller when I engaged him. To use that as somewhat of a cover to protect myself from getting hit.

Q: And how are you holding your weapon?

A: Out in front of me with both hands.

Q: And are you moving while you were shooting?

A: The same area, same spot. I mean I went down to make a magazine change, little things like that. But no there's no – no drastic movement.

Q: How many magazines did you use for this?

A: (inaudible) I know I ran out I believe the first magazine. I made a switch. At that point I made a reload. And then as we started to approach I did what I'm taught to do by the range staff from the San Francisco Police academy which is called tactical reload. So there's a lull in a firefight you always want to make sure you have the most ammunition you have in your fight in case he starts reengaging us. So, what I did was switched out for a full magazine that I still had in my, in the magazine pouch to make sure that I would again have 13 with one in the chamber.

Q: Did Nieto pause at any time while he was firing?

A: Not to my recollection.

Q: Did he appear to be struck by the bullets or injured?

A: No, it's hard to tell something like that. No, he was still standing the entire time until he took the prone position.

Q: And the entire time he was holding his weapon?

A: Uh-huh, yes. When we approached him Officer Morris had to kick the gun out of his hand, or the taser. At that point we realized it was a taser. It was still in his hand.

Q: Earlier you described that there was several volley of shots.

A: Uh-huh.

Q: How many volley of shots.

A: I don't know.

Q: And after, after how many shots did Nieto go to the ground?

A: I'm not sure. I don't know how many shots there were. I just know that halfway through the whole situation itself, the time from when we started engaging with fire and the time that we,

that my sergeant called for the cease fire, that's halfway through that situation is when he took the prone position. So I'm not sure I could tell you.

Q: When you did your magazine change, was he still standing?

A: You know I don't remember at which point, where he was at that point. I believe he was still standing but I'm not sure at this point. It's been a long time since I've recalled that.

Q: So Nieto goes to the ground, can you describe the position?

A: Yeah. Again it's his, we recognized, well I recognized to be a tactical prone position. Something that someone, you know, with any kind of military training or training regarding how to be involved in a firefight or how to act when you're involved in a firefight. It's a form of -- it's a way to make yourself a harder target. It makes you smaller. It also stabilizes you if you're using a firearm and you get down you now have the ground to stabilize your hand. So it makes you a more effective shooter. So it's an aggressive stance where you're on your stomach, hands out in front of you, with a firearm out in front of you and legs behind you.

Q: When Nieto was in that prone position did he appear to be injured?

A: No, I didn't, I couldn't see that far. See what was going on up that close.

Q: And while you were exchanging fire did Nieto say anything during that time?

A: No, not to my recollection.

Q: And while you were firing your weapon could you see where Sergeant Sawyer was at the time?

A: Yeah Sergeant Sawyer was to my right. In the passenger side of the vehicle so he was standing by the passenger side front door.

Q: During the time that you were exchanging fire did you guys communicate?

A: Yes.

Q: And what was that?

A: As I told you before he immediately took the air and was communicating with dispatch.

Q: Uh-huh.

A: So when he was communicating with dispatch the best thing for me to do was to not take it on the air because that way we'd start stepping on each other.

Q: Uh-huh.

A: So once I recognized he was doing that I continued to engage and then I communicated with him when I did my magazine changes. So you know calling red, covering.

Q: Okay. And at what point do you stop firing your weapon?

A: When my sergeant called for the cease fire.

Q: And what was Nieto doing while you ceased firing?

A: He was still in the prone position with a firearm out in front of him. In his hands out in front of him.

Q: And then what did you do after you stopped firing?

A: Well, when he called for the cease fire that's when we get together I'm in my tactical (reload). We approached as a group tactically to make sure as you know as we're approaching we don't know if he's gonna pop back up and start firing at us again. So, you know, you approach with your firearm out. You try to make sure you have good space between you and the other officers. Triangulate as you move forward you know to protect ourselves.

Q: And what was Nieto's condition when you approached?

A: When I approached?

Q: Uh-huh.

A: He was on the ground. He at that point appeared to be, from what I – from what I recall breathing. Breathing a little bit. It was bloody. He had blood on his hands and his face. And then I handcuffed him, flipped him over and then searched him and found a few cans of mace and some handcuffs on him.

Q: And then what did you do?

A: At that point, I put on gloves and I began rendering aid. I started checking for his pulse. And then I was going to go into CPR, but I got pulled off by another officer who took over and said – had another officer took over. I was doing the pulse and was about to begin compressions. And then an officer grabbed me and said were you, did you shoot. I said yes. And he said you're off, you need to come with me now and then he had another who I believe took over and started rendering the aid.

Q: Do you know who was that officer?

A: I don't recall unfortunately, I'm sorry. There were multiple officers at that point all around me.

Q: So all you did was check the pulse?

A: Uh-huh. Ambulance had already been called. I heard it on the air.

Q: Uh-huh. And what type of search did you do on Nieto?

A: Well, it would be referred to as, obviously at that point he would be under arrest so it would be a search incident to arrest. So immediately it's for our safety. I'm looking for other weapons. I'm looking for anything else that he might have on that he could hurt me or other officers with.

Q: And how did he handcuff him?

A: Handcuffed him, you know honestly it was between we both put his hands back there. Chew put his hands back there. I'm not, I'm pretty sure it was Chew's cuffs. So I think he was the one who handcuffed him. But hands behind. We put his hands behind his back, and we applied the handcuffs, standard way we always put handcuffs on for the SFPD and our department policy.

Q: Did Nieto say anything during the time he was being handcuffed?

A: No.

Q: And were you present when the ambulance arrived?

A: You know if it was it was when I was leaving but I don't recall that honestly.

Q: How soon after you were pulled off, I mean how soon after you approached Nieto did you remain on the scene?

A: As soon as Officer Chew and I got him into handcuffs and performed the search and I checked his pulse multiple other units had been already responding so there was multiple units on scene. So immediately from there I was – I can't even remember who the officer was. Sir, are you involved? You need to come with me. They pull us away. Other officers took over at that point securing the scene and rendering aid. And we all got taken, including Sergeant Sawyer, and put int different, you know different rooms and separated as per our policy.

Q: So not very long. And do you remember who was the supervisor who responded to the scene?

A: Well, the supervisor who was on scene was Sergeant Sawyer. I believe it - I believe it was Sergeant Larry Chan who took over but I'm not sure. There are multiple sergeants that showed up.

Q: And did you speak to any other officer on the scene?

A: Speak to any other officer on the scene regarding?

Q: Yeah besides Sawyer, Chew and Morse?

A: No, at that point they said, you know they separated us per our department policy. They're not supposed to ask us questions about the shooting.

Q: Okay. And did you give any other public safety statement?

A: In terms of?

Q: The scene? The Incident?

A: I'm not sure I understand what you're asking?

SB: Like shots fired, where you shot, that kind of thing to somebody?

A: Oh yeah, I gave that to my sergeant. Oh I get what you're asking I'm sorry. Yeah we have to give that to our sergeant and my sergeant is already on scene

Q: Oh okay you mean-

A: Yeah Sergeant Sawyer was already there so. But yes, I did.

Q: And were you injured as a result of this incident?

A: No.

Q: Do you recall experiencing any perceptual distortions?

A: Not to my recollection.

Q: Who did you speak to about the incident?

A: About the incident specifically? I mean other than lawyers?

Q: Uh-huh.

A: No one.

Q: At the department?

A: At that department.

Q: Uh-huh who did you give your statement to?

A: Oh, gosh I don't remember.

Q: Do you remember the department's unit?

A: I'm sorry. I went to homicide. I don't know who the inspector. I think it was Inspector Cagney perhaps?

Q: Okay. Anyone else from the department?

A: I think it, was it, yeah Inspector Bonner, Inspector Cagney and then IA.

Q: You gave one statement to all of them?

A: Yeah. And then I gave a statement to Internal Affairs at a later time.

Q: Okay. And did you speak to any of the officers who were preparing the incident report?

A: Who were preparing the incident report, no.

Q: Did you write any statement for the report?

A: No.

Q: Prior to this incident did you have any training or experience with tasers?

A: No.

Q: And did you know the visual difference between a firearm and a taser at that time?

A: I think we call in person generally when they can see something like that up close we'd say, you know, could tell whether or not it was a firearm or what a taser looks like. I have seen them before.

Q: Okay.

A: But certainly not at that distance and it definitely appeared to be a firearm.

Q: Okay and do you have any training or experience with weapons with laser points?

A: In terms of, I mean it's been discussed of course in our academy classes. You know we try to talk about everything. A lot of other officers experience, more experienced officers. But yes, I've been taught you know what it is and what it's for and what it's purpose is. And so on but I have not used one myself. I don't use one for the department.

Q: Okay. And so when you saw that laser coming from Nieto what did you think at that time?

A: That he was picking me up in his sights to shoot me or shoot my partner.

Q: Did you have any other options besides firing your weapon for this incident?

A: In, are you asking me if I believe I had a better option or are you-

Q: Uh-huh.

A: Asking me if I had-

Q: If you had?

A: I have other tools but those would be ineffective in a firefight especially in that kind of

situation so, I didn't, there was no other tools I felt comfortable or wanted to go to. The weapon I used was the weapon I would go to for that situation.

Q: Okay. Would having information on Nieto's mental health status, would that have changed the manner in which you responded?

A: No. A call for someone with a gun is a call with someone with a gun regardless. You know that would hold no bearing on that type of a situation.

Q: Are you trained to do any investigation prior to responding to a gun call?

A: In a high priority call like that the most important first thing that we're trained to do is secure the scene. Make the scene safe. Once the scene has been secure and the scene has been safe, we radio merit to the gun, there's a gun. You know get the gun settle the situation. Then you would start doing your investigation talking to witnesses. But the primary investigation for our purposes would be what the information that was relayed to us by dispatch.

Q: Is speaking to the reportee who made the 911 call a requirement prior to responding to the call?

A: I'm sorry?

Q: Is speaking to the 911 caller or the reportee a requirement?

A: No. No.

Q: And when are you trained to call for an ambulance when you respond to a gun call?

A: As soon as feasible. When – you know it's a situation where someone life or death or someone great bodily injury where you know an ambulance would be, what you'd like to have there. So you know I wouldn't call for it until I can make the scene safe. Once the scene is safe that's when I make sure I call for an ambulance.

Q: What type of aid are you trained to give to someone injured by bullets?

A: Well it depends on the situation. Every situation is different. And in a situation like that where I checked Nieto's pulse and I didn't feel a pulse.

Q: Uh-huh.

A: Then my immediate training is to go to cardiopulmonary resuscitation, CPR. Start compression and start breathing for him until an ambulance with AED can come. If he had been breathing, if it had been like a sucking wound, a sucking chest wound or something like that, there's different kinds of-

Q: Uh-huh.

A: First aid that you could do on scene.

Q: And how long are you expected to provide first aid?

A: Well until the ambulance arrives and takes over.

Q: And why wasn't first aid given prior to handcuffing and searching?

A: Because as I said before, same thing with calling an ambulance. I have to make that scene safe. Can't have an ambulance come up there if the scene is not safe. And I can't begin doing CPR with someone who is not handcuffed. Who's not been searched who could hurt me or hurt other officers.

Q: Okay and what training do you have in the use of force?

A: DGO 5.12

Q: Did you have at that time?

A: The training offered by the San Francisco Police Department in the academy.

Q: Had you already – had you gone to FATS training?

A: I had.

Q: At the time prior to this incident?

A: Uh-huh.

Q: And what type of training do you have in firing your weapon?

A: I have the training that was provided to me by the San Francisco Police Academy and the police range staff.

Q: What are you taught in terms of when to stop firing?

A: When I stop the threat. So when I recognize that the threat is stopped.

Q: And are you trained to fire at a specific body part to disable a suspect?

A: Yeah, we're trained to shoot center mass. So like I said before that would be the area right here in the sternum and chest, the largest area.

Q: And prior to this incident had you shot at anyone before?

A: No.

Q: And I just wanted to ask you why, why didn't you shoot sooner?

A: I didn't shoot until, until the threat presented itself.

Q: So to you what was the threat?

A: When I started engaging him was when he had lifted up his shirt and exposed the firearm. When he went down and he drew it and as he was coming up with it and started pointing it, that's when I-

Q: So when

A: Fired.

Q: You saw it pointed at you that's when you fired?

A: As he was coming, so if this is the firearm, so as he's coming up right around here, that's when I started engaging. At that point I know he's not, you know he's not throwing the firearm, he's not discarding it. He's taking an aggressive stance and his intentions appear to be to engage us. So yes kind of when he pointed at us but-

Q: Uh-huh do you know who shot first, you or the sergeant?

A: No.

Q: Okay.

SF: Just a couple of things. How long had you or how far along were you in your FTO program?

A: So it's a three-phase system. Approximately, I believe about two and a half months in so more than halfway done with my third phase. Coming in at the end, I think I was almost about to be on my eval only, two weeks of the FTO program.

SF: The FTO program, the entire program is how long?

A: I believe it's; I want to say three to three and a half months. I don't recall exactly.

SF: What type of firearm do you carry?

A: I carry a 40 caliber P226 Sig Sauer.

SF: Do you have military training?

A: No. I have the training provided by the police department.

SF: Okay so you did not serve in the military at all?

A: I did not.

SF: Did you hear or see any rounds strike your patrol car or anywhere around your patrol car?

A: No, I was, I was engaging the suspect at that time. I wasn't you know up and looking around at the car. At that time I didn't see anything like that.

SF: And when you checked Nieto's pulse did you get a pulse?

A: I did not feel a pulse.

SF: Okay I don't have anything further.

Q: Okay is there any other statement relevant to this incident you wish to make at this time?

A: No

Q: Are there any witnesses or other evidence relevant to this case you intend to submit on your behalf?

A: No.

Q: Mr. Betz?

SB: I don't, thank you.

Q: If there is nothing further, I will conclude the interview. The time is approximately 8:05 PM. Thank you for your time.

END OF INTERVIEW

SFDPA - 0179-14 - 002152

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

--o0o--

I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 29, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 002153

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0179-14

INTERVIEW OF: **DR. AMY HART**

INTERVIEWED BY: **INVESTIGATORS CALDERON AND FLETCHER**

DATED: **JANUARY 9, 2015**

SFDPA - 0179-14 - 002154

Q: INVESTIGATOR HELEN CALDERON

SF: SENIOR INVESTIGATOR SHERRY FLETHCER

A: DR. AMY HART

Q: Okay. This interviews regarding OCC case number 0179-14. It's taking place on Friday, January the 9th, the year 2015. Conducting this interview is investigator Helen Calderon, also from the OCC. Also present is acting Senior Investigator Sherry Fletcher and the interview is with Dr. Amy P. Hart, the chief medical examiner from the San Francisco medi, City and County Medical Examiner's office. Dr. Hart-

S: 179 or 197?

Q: Yeah. Oh, yeah, 79.

S: It is, okay-

Q: Yeah.

S: Okay. That's what you put into record?

Q: Yeah. Yeah. Let's see. Oh, Dr. Amy P. Hart, do I have your permission to tape record this interview in regards to your case, 2014-0292?

A: Yes.

Q: Okay. I would like to start by asking you, what is your position here and how long have you been here?

A: I've been at the Office of the Chief Medical Examiner since 2001. And while here I've served in several different capacities. As an assistant medical examiner, as an assistant chief, as an acting chief, as the chief medical examiner. So, those are the various positions that I've had.

Q: Okay. And did you perform the autopsy for Alejandro Nieto in this case?

A: Yes.

Q: Okay. And who worked with you on this case?

A: The case was done by myself and the people that assisted me were forensic autopsy technicians. And they are listed in the report on page 16.

Q: Okay.

A: And they are, John Wosley, Anthony Martini, Al Aparicio, Elena Prendell, Chris McFarren and Jerry Woodrickchowski.

Q: Okay. All right. And, and did you prepare the report yourself as well?

A: Yes.

Q: What do you call the report?

A: I call the, the report that you provided to me which includes the register page and it looks like the investigator's report, activities from our office, the report page, the autopsy report and it looks like you also have the toxicology report here.

Q: Uh-huh.

A: This whole unit, we refer to as the business records of the office, into the investigation of this case, 2014-0292. And every case has a unique number so that number is very significant to us.

Q: Okay. All right. And did you prepare a wound trajectory diagram for this case?

A: I did not produce a wound trajectory diagram. Instead, I captured in words the findings regarding the evidence of injury in this case. And that's found in the autopsy report. Page 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. And then also, a second summary is present on the findings which are on page 15.

Q: Okay. Okay. So, per each of the gunshot wounds described on page 15, the entry's path direction, are you able to determine the distance at, at which the shooter was when the bullet entry was made?

A: In this particular case, the decedent was wearing clothing at the time that he was shot, and I evaluated the skin surfaces and the clothing in order to describe what I saw. And my

recollection is that none of the gunshot wounds showed evidence of soot or stippling or searing artifacts or blast type artifacts that would be consistent. So, none of them showed changes that would be consistent with contact or a close range of fire. They were consistent with gunshot wounds that came from a distance.

Q: Okay. And at what, what distance are you not, no longer able to determine, I guess the range?

A: Right. The range of fire which is what we're talking about is something that would probably best be determined by test firing of weapons and, with the ammunition. And the weapons that were used at the time that the person was shot in order to, to determine when soot or gunpowder particles or searing or blast injury might be present on the skin, or the clothing. That would be the most accurate way to determine a range of fire. It would determine the minimum distance somebody would need to be away from someone, in order to not show any of those artifacts.

Q: Oh.

A: In general, the absence of those findings is categorized in, in my field as a distant gunshot wound. But in reality, I can't be more specific than saying distance. I can't really give you an exact, what, a measurement or inch measurement that that's equivalent to. But test firing might be able to answer that.

Q: Okay. Are you able to determine the position of Alejandro Nieto, when the, when the, each of the wounds were made? Can you we go through the, each of the wounds and-

A: Sure. And I'll let you know that I also went to the scene on this case. I was, I was the doctor on call on that particular night so, I went to the scene. So, I saw him at the scene and I also saw where the police vehicles were and the, where the casings were located. And I know that he was some distance away from the police vehicles. I didn't measure it but I'm sure that the police report show that. That his body was found some distance away. And that the paramedics

had come and tried to determine if he was, could be resuscitated or not and I think they determined he was beyond resuscitative. That part, so his body was left at the scene as opposed to being transported to the hospital. So, his exact location at the time that he is found is something that the paramedics would be able to say. I wouldn't be able to. So I don't know if he was you know, head was toward the car or feet were toward the car, car, he was in the front or in the back when he was first found down. But I saw him later and I know that he was some distance away but his exact position when he fell to the ground, and I understand he was upright initially, when he fell to the ground is not something that I could tell you. Or our investigative report can tell you cuz we weren't there to move him.

Q: Okay.

A: I, I had heard that he had been handcuffed or his hands had been secured behind him, but I think they released that in order to let the paramedics perform possible resuscitation on him. So, I, I'm just telling you what I know about that. So, you're going to ask me about position and then I'm going have to say, I don't know what position he was really at when he was originally found, right. I mean, I can tell you when I, when I came to the scene he was some distance from the car and then he was you know in a position where we could see him, but I don't know what he was-

Q: Oh-

A: And when he was first located.

Q: My questions was more like could you tell (inaudible)

SF: And you are saying you arrived after the paramedics?

A: Right. I arrived after the paramedics. I felt we were talking about range of fires so, like how close he was to whatever casings and so forth and because I guess.

Q: Yeah-

A: That could also speak to range of fire. You know if somebody can, observe somebody next to somebody and the casings are right where they are found, it would be close by when they were shot.

Q: Yeah.

A: If he collapsed right there.

Q: Yeah. I was, I was trying to get more at let's see, the first, okay A. The first gunshot wound, page 3.

A: Okay.

Q: Right. We'll start with 3. And, I, I noticed, are, are you able to determine the sequence of the shots, how they occurred?

A: In this particular case, there are many gunshot wounds and they are, I'm labeling them with letters and numbers for the purposes of organizing them, but I can't really tell what order they came in.

Q: Oh.

A: So, I'm trying to go in an orderly fashion from the top of the bottom towards the head in order to arrange them so they can be described. But I don't know the sequence in which they occurred.

Q: Okay. Okay, and then, like for example, gunshot number, well A, labeled as A.

A: Okay.

Q: That side of the forehead. Are you able to determine if, if Alejandro Nieto was standing up or was he down when he, when this gunshot wound occurred?

A: So, this, this will be not something that I can say with certainty because the-

Q: Okay-

A: The forehead is something that would be accessible to a shooter whether they were standing or whether the person, you know whether the, the person who was shot was standing or

the person who was shot is lying down on his back. The forehead could be accessible in either position. Or-

Q: Okay.

A: For that matter, some intermediate position. He could be kneeling, you know, what, what, what this tells me is that at the time that he is shot, on the left side of his forehead, that his left side of his forehead needs to be pointing towards the shooter.

Q: Uh-huh.

A: Wherever that shooter might be located. So, my, my information, maybe in combination with other witness's accounts or the police reports or the officers indicate where they were located, you could probably put the decedent in position based on what those reports say. But I didn't have access to those reports. I'm saying, if they're saying, all the officers were standing and shooting this direction, for example and at some point this side of his forehead needs to be toward the direction where the bullets are coming from.

S: Uh-huh.

A: It's kind of, it's sort of logical.

Q: Uh-huh.

A: But if you ask me in the reverse just with this business record, could I tell whether he was standing or lying down at the time he shot, my answer would be, no because I only have, only have this information to consider.

S: Uh-huh.

Q: Yeah. And that's, those are the questions I'm going to be asking.

A: There you go.

Q: For each one. And I-

A: Right. And I will try my best but-

Q: Okay.

A: Yes.

Q: Okay.

A: My answer really sorry to say isn't, is going to be pretty much the same for all of them.

Q: For all of them. Okay.

A: And then in each case whether it's in the left side of forehead or right upper left, I can at least look at the other locations or the left side of the chest.

Q: B.

A: Right. A, B, C and then D and E are back of the left shoulder. Left upper arm and I'll pause here because the ones I just described are all somewhat orientated in the front of the body.

Q: Front of body, okay.

A: Now I have gone to a penetrating gunshot wound to the back of the left shoulder and then back of the left arm. So, this is a little less clear although again if, because you know my answer is the same. At some point, this back of his left shoulder needs to be in a direction where a shooter would have access to the back of the left shoulder.

S: Uh-huh.

A: So, in other words, he can't be shot in the back of his left shoulder if he's looking at the shooter.

Q: Right.

A: The gunshot wound has to come from here. Now, I don't have knowledge that the police were surrounding him. I thought that they were all located on one side by the cars and that he was on another side. So, there was like, there were two sides, is what I thought.

Q: Uh-huh. Is it possible to make that entry wound if, if the, if the decedent was on the ground in a slope ward-

A: If he was, okay. So, the, the real answer for you is that his left shoulder needs to be toward where the shooter is. So, if his left shoulder can be put in this position by, he could be,

have his back facing toward them. He could be bending forward so that his back is facing the person. Although when he stands up he still in a frontal position. So, if I, I lean forward suddenly my back is now accessible to the, that, this plane in front of me. That could be how it happened. Or, he could be down on the ground, you know, in some position. Maybe not even lying flat on the ground but maybe partially kneeling or collapsed forward, with the head down. Might make again, the left shoulder accessible. And that's my same issue about the back of the left arm. If we were certain that you were shooting me, and I was standing this way I would have to say they couldn't've shot me cuz the back of my left arms here and the guns there.

S: Uh-huh.

A: But if I put my arm up like this, suddenly the back of my left arm is accessible to you-

Q: And I just to describe for the record that you lifter your, your elbow like in to cover your-

A: Right-

Q: Face or-

A: Right. So, I, that's exactly right. I lifted up my left arm and I pointed basically my elbows towards you.

Q: Towards me.

A: Exposing the back of my left arm to you even though I'm still facing you. And so that's what I was trying to demonstrate. Because this extremity, all extremities can move and so they don't stay fixed necessarily. So is, or his arm could've been up over his head touching saying his back. So, I'm lifting my left arm up and my elbows pointing towards the ceiling. My hands touching my back and now my left arm again is still accessible to you. You know, as a, as a shooter, if you're, and the shooting is coming from your direction and I'm facing you. So, that-

Q: That's F, right?

A: That would be D and E.

Q: Oh, D and E.

A: Let's see, F is okay. So, another upper left arm. So, upper left arm approximately below the head and so this on the front of the upper left arm. So, there's one gunshot wound that's in the back of the left arm and one in the front. And the same issue here, I mean, if I'm standing with my arms at my side and the left, front of the left arm is in the plane like the rest of my body. Or my arm could be up, right. But I don't know of a good position where I can get the front of my left arm in some other odd location. But basically it would be like a chest, the front of the left arm and the chest on a plane-

Q: Uh-huh, so facing forward-

A: Probably facing forward. There's not a good back position or another way for me to put this in a position except being facing toward you, like a chest. I would need, this arm needed at some point, this part of the arm upper left arm needs to be toward the shooter, at some point.

Q: Uh-huh.

A: When, when the shooting occurs.

Q: Okay. G.

A: G is the upper left side of the chest, which is a similar issue. Front of the chest means chest must be facing the shooter. And then H is like the left upper arm. The right upper arm at some point is facing towards the shooter. At the plane. And then, gunshot wound to the right side of the chest like the left side of the chest means that this, at some point, the right, left side of the chest, current left, front of the right left arms are towards the shooter, at some point.

Q: So, that's I?

A: Right. And penetration, gunshot wound to the midback.

Q: Uh-huh.

A: This one, right. So-

Q: Yeah. You might want-

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A: I have to be either down on the ground, this goes in but doesn't go very far. So, there's not a lot of, you're talking about trajectory. I don't have like it going into the body and then coming out someplace else so I can say it was going up or down or right or left. It goes in and kind of stops cuz it hits the spine. Which is a very, it's kind of a dense bone. So, bullets can enter the body through the skin and soft tissue then get lodged there. But the tract is so short, you don't know what direction it is. Now, at some point his back, again if the shooters are in a fixed position at some point this mid back has to be exposed to the shooters. So, he could be down or bending forward. Or he could be turned around and his whole back would be towards them. I can't tell from the gunshot wound what position he was. I don't know for a fact that he wasn't surrounded by police officers. I can only tell you that, what I understood from the scene and what people have told me is that they were all in one area. And he was in another area. So, at some point this mid back, his mid back needs to be somehow, if we assumed that the shooters are all in one, one area away from him his mid back needs to be pointed towards the shooters. And again, whether that's, I'm bending forward, I'm slumped forward and then I get shot. My back is kind of like the back of the left arm, it happens to be the front profile at that point when he, maybe he collapsed and went forward. Or whether he was turned around, and you know that I would have to say, you would have to rely on the police reports or eyewitnesses and say, which positions he was in towards the officers. It's, that's, I don't other, another way to explain it. Cuz I don't know there to be a shooter in the back. I don't, I never heard the story that might've turned around and run the other way or something. Nobody kind of reports that he moved in the direction or his back was towards the officers. And so, quite frankly when I did the autopsy, I was trying to figure that out too. I wasn't sure how, but I could see where, slumped forward in a, in a posture where there, if, if the position is always forward.

Q: Uh-huh.

A: And if he bends forward, this part would be exposed or if he's down, or somehow. And I don't know if he's down or if he's down in and you know collapsing down. It turns when he's you know.

SF: When he's struck-

A: When he's struck for whatever reason, you know. Reflexes or pain or what, I don't know.

SF: Uh-huh.

A: But I can tell you it's there.

Q: Okay.

A: In the mid back. That's J and then K is a left forearm. And this is again, I say back of the left forearm. So, the important thing to note is that when doctors, forensic doctors describe the body, we always describe in what's called a standard anatomical plane. So, we see the body this way with the hands facing forward and we call everything on this plane surface the anterior part of the body or the front of the body. And then, if the body is turned over we consider everything here the back of the body. So, this gun shot wound K is talking about an entrance, gunshot wound on the back of the left forearm. So, this is the persons right, here is the left and when you flip him over this is the right side, this is the left side and I'm pointing on this diagram. I'm going to label it right and left. And so, the back of the left forearm is this by convention is while the body is in this standard anatomical plane is located here. And I say that because just like the back of the left arm, that if the back of the left forearm is, if the arm is raised up the back of the, so that I'm putting my hand to my level of my ear. And then the back of my left forearm is now in the front plane. So, it doesn't mean that a person was necessarily facing away from the shooter at the time that they were shot. They may just have their fore, their arm bent and their forearm facing. Right, what, what I call the back of their forearm might be face, can be facing forward.

S: Facing forward.

A: Because of the extremities are so moveable. Right, they could be front or back. I don't know if his arm was bent or not. If you're trying to count up how many are on the back and how many are in front, I'm just suggesting that you would have to be careful. Clearly, the one in the middle of the back is in the back.

Q: Right.

A: The back doesn't joint, disjoint and come, come up, you know in a different position naturally. But the arms and hands do, they easily move around. So, it says back of left forearm but I'm just trying to say to you when I say back, it's cuz I'm referring to the standard anatomical plane here. I can give you this is a standard diagram we use.

Q: Okay.

A: To show what this position looks like.

Q: So, you said, and it could be that his arm was bent?

A: Right. And, and you're, you're bending your arm and I'm bending my left arm.

Q: Facing the shooter the arm is facing the shooter bent.

A: Right. The, the back part of what I just, what I call the back of the left forearm that if the elbow is bent and the hand is brought up near the, the ear. I'm bringing my left hand up near my left ear and then back of my left forearm is facing towards you. And it's the plane with the rest of the front of my body. My right and left side of my chest and, you know, my forehead are all in the front and now the back of my left forearm is also in the front of my body. Or could be. So, if you ask me, do I know for sure whether his arm was up or down.

Q: Uh-huh.

A: I don't.

Q: Okay.

A: I can tell you this is where the gunshot wound is. And it might've been while his left forearm, back of his left forearm was facing the shooters or it might've been with the arm down and him turned around.

Q: Okay. Oh-

A: I, I can't tell that from the autopsy.

SF: Uh-huh.

A: And let's see, that was-

Q: That was K.

A: K. And L, left wrist. So, the term medial, medial meant, means towards the midline. So, on the, let's see, arm, left arm. So, medial means if this is the left wrist, did we say left wrist, yes.

Q: Yes.

A: Left wrist. So, both of these are pictures of the left wrist and I'm pointing on the diagram.

Q: Okay.

A: To the wrist of the left hand in the diagram. Medial means towards the middle of the body. So, the medial, you could picture it on either side here but it's, it just means when the hand is down by the side of the body that the gunshot wound is closest to the middle of the body. Same problem here, hands, wrist, arms move a lot so this doesn't mean anything other than I'm locating it so I can describe it to another forensic pathologist. But it could've been facing forward. Now I have my, my left arm up and I have what I term the medial part of my wrist is facing towards you. So the medial part of the wrist could be in the frontal plane because the hand and the arm can be moved. Or, it could be down by the side but that seems unlikely that somebody would be shot through their body and then it would go into the wrist. Or it could be facing towards the back because my arm could be this way. And I, my arm down at my side but I've twisted my wrist so that the medial part of it is facing backward. Again, I'm trying to, what I'm trying to just help you with is that when I say medial, it doesn't mean that the hand had to be

in that position at the time it was shot. The arms, right, get moved around a lot. Body not so much but the arms can go a lot of different, and the hands and the wrist can go a lot of different places.

SF: And again, the medial location would be?

A: So, you, you have your left, you're touching your left wrist with your right hand and you're touching the side of your wrist that's under your, the, the small finger. The baby finger, the ring, I guess they call it the pinky.

SF: Uh-huh.

A: So, that's the medial side of the wrist. And you are pointing to your left wrist and you're showing the medial side with, you're pointing to it with your right hand.

SF: Okay.

A: Right. So, in this picture as I was showing you, you know, this, so, maybe a good way to talk about it is, it's the side where the, the pinky is.

Q: Uh-huh.

A: Or the small finger, or 5th digit is a medical term. That that would be the side, medial towards the midline.

SF: Uh-huh.

A: Where I see the gunshot wound. But I can't say where his hand was when he got shot. So, that's kind of a, a, what I'm trying to communicate there for you when you review it or think about it.

Q: Okay.

A: So, that was M.

Q: No, that was L.

A: Sorry, that was L.

Q: Talking about-

A: And M is a similar issue. It says back of right wrist. So now, the term back refers to the standard anatomical plane. Not necessarily that the wrist was facing towards the back. But instead when they lay the body in this position, this is where it's located.

Q: Oh.

A: So, same issue, back of the left wrist. If the right arm is bent the back of the left wrist might actually be facing forward. So, yeah, there you go and you're also turning your hand around. Which just makes it even you know, many more variables for how that hand could've been. You know, out to the side, or it could be down at the side. It could've been shot from the back. I, I don't know for certain. I say back because I'm trying to locate it on the body.

Q: Oh.

A: So that I can describe it. But I can't say which way his hand was, you know. And I'm using the, I'm using my own wrist. The back of my wrist which I'm pointing to for you and I'm, I'm pointing it towards you. Either it could be in front of my body, it could be to the side. It could be behind me. It could be bent; it could be over my head.

Q: Uh-huh.

A: There, there many positions it could be in. But it does at some point, this part of the wrist must be pointing towards the shooter.

Q: Uh-huh.

A: At some point, wherever that shooter might be.

Q: Okay. N. The anterior right lower leg.

A: So, anterior means front of the right lower leg. Lower leg is in the area where the, the shin is.

Q: Okay.

A: So again, maybe not as much as the arms but the legs also have the ability to kind of be in different positions. Right? Not so much the upper thigh cuz that kind of moves with the torso.

So, front sort of is bi front, but legs can be bent. And I think without me getting up, I think you could, you could imagine where somebody was say, for example standing on their left leg and if they bent their right knee it would be possible for the shin area to be exposed to the back area even though it's the front of the right shin. Now, that's kind of an awkward position. So, it seems kind of unlikely, but I just want to alert you to the fact like the arms the legs also have joints and can move. So, anterior does not necessarily mean it was front.

Q: Okay.

A: And then I went to N and then I went into blunt trauma.

Q: Yeah. Oh.

A: So, I think we come to the end of the gunshot wounds.

Q: Okay. Can we talk about O, the blunt trauma?

A: Sure.

Q: So, does that indicate, one trauma to where, the eye lid?

A: Right. The, the left upper eye lid and the left side of the temple. So, this is a good demonstration here. Is that I, I'm wearing glasses and I don't know for certain that the decedent was wearing glasses. But there were glasses at the scene. And the glasses had like one of the lenses broken is what I remember. And so, the, for me, these injuries that are kind of on the eye lid and the temple.

Q: Uh-huh.

A: And scleral hemorrhage, so that's the white part of your eyes. A little hemorrhage on the, this left side of the eye and then on the front of the left facial cheek. This kind of group of injuries sort of around the eye and then having the eyeglasses there and having it shattered, suggest that the glasses are in place at the time that they are impacted. And I don't know by a ricocheting bullet or one of the bullets that you know he eventually is found on his body or his

hands or, or his forearms but at some point, it appears that this collection of injuries comes from fractured glasses. So maybe, so, guess you can refer that, perhaps he's wearing glasses.

Q: Uh-huh.

A: At the time that the gunshots are occurring. That that's the, that's the significance of that, that group of blunt trauma there.

Q: Okay.

A: Or, an alternative explanation could be you know that he had separate individual you know the glasses could explain it by themselves, but if he doesn't have glasses something impacts the face. Probably not, it's not a gunshot wound but gunshot wounds can sometimes create, let's see, other flying projectiles might be a way to say it. So, for example, say a ricocheting bullet hits I don't know rocks or gravel and then sends the rocks or gravel into motion. That, those projected pieces of rock and gravel are not the bullet.

Q: Right.

A: But they can also cause scrapes on you. Or, or bruises on you. Because they're also kind of moving. They have kinetic energy and they're gonna transfer to the skin. Another explanation could be blunt trauma. So, the person falling to the ground or being moved around on the ground when his hearts still beating might lead to injuries like this. That's another possible explanation. Less likely the pattern didn't look that way it's usually more of a scrape. And then this was kind of more distinct and unusual in that it was kind of grouped around the eye instead of being a broad area. If you fall to the ground and you hit concrete or a, asphalt, you usually get kind of a big brush abrasion. You don't usually get kind of little focal punctate areas with hemorrhage.

Q: Oh.

A: So, to me it's more consistent with the eyeglasses being on.

Q: Okay.

A: And there were eyeglasses there. And I think the eyeglasses showed, I remember seeing it at the time and thinking, wow, that's, there it is. So, there's the glasses and it ends up happening to be the left lens that got somewhat fractured. And then I guess you've seen the pictures, I'm not sure if they let you guys have the pictures or not these days. I remember Jason used to try and fight to get the picture. I don't know if you can.

Q: Yeah-

A: But this is, you know this is the little group I'm looking at here.

SF: Uh-huh.

A: And see they're not, well, to me, they're, it makes me think when I saw them I was like, oh it looks like he was wearing glasses, and then later we found the glasses. I was like okay, that could be and then it ended up being left side which is the same side these are on.

Q: Uh-huh.

A: So, I don't know what the story is, I wasn't there. I don't know if he was wearing dark glasses or not wearing dark glasses, but something shatters this and these injuries are, could be consistent with that. As opposed to somebody coming up and punching him in the eye. This is, does not look like when I see blunt trauma from bar fights and things. When you have people who die in bar fights the trauma is larger and - and can have like underlying fractures of the bones. He doesn't have this. It's less severe that I would expect if somebody had punched him in the eye.

Q: Oh.

A: Whatever. I don't, I don't know, again, I don't know the whole story. I, I didn't understand there to be contact, but this wouldn't be consistent with being punched anyway.

Q: Okay.

A: Let's see. So, that's the group on the left and on the part of the left arm is a half inch abrasion centered in the red contusion. So, there's a, there's a scratch and a bruise. On the right

medial ankle is a little, is a contusion. Measures 1 and half inches. In front of the left knee there's a one-inch contusion. On the front of the left shin just below the left knee is another abrasion. Oh, here's accompanying the, the body or dark framed glasses with the left lens broken. So, that's what this picture is. And here's there (inaudible). So, it kind of makes you think, sometimes, sometimes when projectiles hit glass, they cause a beveling. Which is kind of a, a cone shaped. You know something a BB, if you've ever had your front window shot out by BB which I had done. Kid had a BB gun wonder where that came from. So, the, one time the glass is a little hole and the other sides sort of rounder and bigger. Cuz it pulls the, the energy goes through the glass and it fractures the glass and kind of a, spray, sprays out -- the energy spreads out and then the inner side is wider than the impact side. So, this, this showed that, it had some beveling present. Oh, so here I have a little thing on this. This blunt trauma they represent from the glasses (inaudible) lens. All right. So, that appears to be, so the blunt trauma is noted but it's not very significant unless maybe it corresponds to something somebody saw. But the blunt trauma is, is not, I mean I note it cuz it's important to do so and I don't know what the whole story would be. Or who was with him before or what happened during the whole scenario and you know again, I, I don't have that much information. But I wasn't there when it happened, I don't know. But there is some blunt trauma and again, relatively minor compared of course to the gunshot wounds. Which are extensive.

Q: Okay. And-

SF: Can I ask you before we move further. When we have the direction of the bullet, can you explain a little bit about that when you have a description for each one of the direction that it ran, left to right, what does that all mean? Neither front nor back.

A: Good question. Very good question. So, this, this blank diagram that we use in the autopsy means helpful to, these directions are still referencing this standard anatomical plane. Assuming that the person is standing upright so that up is towards the head and the down is

towards the feet. And right is toward the decedent's right and left is towards the decedent's left. So, that, that's, these references are all the same. So, let's, are all roughly saying, the, the same standard anatomical directions.

SF: Uh-huh.

A: So, let's take the first one, penetrating gunshot wound to the left forehead. The direction is downward. So, it's starts on the left side of his forehead and goes downward. And so, in general the term downward is referring to it at about approximately a 45-degree angle. Or I would've used the term, sharply downward, which is, you know nearly straight down. Or I would've said, slightly downward, which was kind of almost a flat. But a little down. So, generally downwards is about at a 45-degree angle, approximately. And so, neither front nor back means that it's going down. So, it goes into the head and it goes down and back and down. But it doesn't go to the right or to the left. And if it doesn't go front and back then it didn't penetrate very deeply. That it, it's just pretty much lodged there at the left forehead.

SF: And does the direction of the bullet have any indication of anything, the distance of the shooter?

A: Oh, let's see.

SF: The type of bullet that you're dealing with.

A: Did you need something, Tom?

T: No. I just want to drop this off.

A: Yeah. That's fine.

T: Sorry.

SF: Yeah. Let's see. Cuz I see in some instances a bullet can enter the body and travel in different directions. It depends on where it enters the body (inaudible) whether it's tissue, whether there's muscle.

A: Okay. So, I'm trying to think of your question kind of a general way and where the bullet enters the body and what it encounters along the path of the body can be different depending on the kind of ammunition and the kind of gun that was used. In general, gunshot wounds from handguns would look like what we see here. That the bullet, if it is not a ricochet. Cuz if it hit something else and then hits the person a lot of the kinetic energy is gone. So, it might, for example enter the body but not go very far. So, I don't know that this occurred. But an example of that is kind of like the one that's in the mid back that the mid back goes into the body and it just like doesn't go very far.

SF: Uh-huh.

A: And so, let's see, yeah, I think that is like O or something. N, N. Yeah, it's a lot of them. Okay. N.

Q: J.

A: Oh J.

Q: Penetrating Gunshot wound of the midback. Page 9.

A: Okay. Page 9. There we go. So, I remember that this after perforating the skin and soft tissues of the back, the bullet penetrates the L3 vertebral body and transects the spinal cord of the level (Inaudible). So, it just goes in a very short distance. And so then I say, the direction, apparent direction of this bullet from the decedent back to front. Neither right nor left and goes downwards, so it just goes a little short distance.

S: Okay.

A: And then but it encounters bone. So, in general, gunshot wounds that come from handguns have enough energy to penetrate the skin and soft tissue and then may also penetrate the skin again and exit the body. But generally, when it enters the body and goes through the skin and soft tissue and then encounters bone, the bone is usually of enough density to stop the bullet. That the, just because the amount of kinetic energy that we, or the types of energy -- the amount

of energy is transferred with he handgun is not -- creates a, a type of wound pattern that's moderate in its destruction path and it can be stopped bone. So, this would be consistent with that. A different example would be like a high-powered rifle, it's a smaller bullet but it goes much faster and it has a lot of kinetic energy. You might expect it to penetrate through skin and soft tissue and bone and exit the body. And then leave a very wide path of destruction internally. Whereas a handgun leaves a rather narrower path of destruction. It's still can be fatal, both are fatal, but when we see them at autopsy, one path is wider with more destruction, so, high powered rifle. Or with handguns and we see a lot of handguns, it tends to be a narrower path and it seems to be easily stopped by bone. Or if it goes through a lot of organs that slows it down enough, and often it's retained within the body. Whereas I would expect a high-powered rifle or like a hunting rifle what they use to shoot large animals, it'd probably go right through the body because it's so powerful. Shotguns are another example of a lot of force. And then we often have if it's a slug or a, or a large bullet it will exit the body unless it encounters something very hard. Anyways, I'm just saying, the, all of these gunshot wound has are not inconsistent with a handgun. And then, again, I have the advantage I've gone to the scene and saw the casings, and I understand police officers to carry handguns. I was not aware that any long rifles or shotguns were used and certainly the wound patterns are not consistent with that either. So, there's nothing inconsistent with his wounding pattern and what I know of the story.

Q: Okay.

A: I, I would be able to say to you, the that would, those are not the weapons, if he had been shot like by a shotgun or by a high-powered rifle. The wounding pattern would look very different. But all of these are consistent with a handgun or handguns.

Q: Okay.

SF: Just one other thing. I, I understand penetrating but how about the perforating, is that more of a slice or a cut?

A: Okay. Good question. So, I try, and I hope that I did it correctly here. The term, penetrating, means that it entered the body, but it didn't exit. So, the gunshot wound that we talked about that went into the back, let's just make sure I get it right. I'll go to J and J should be penetrating meaning it went in, but it didn't exit. And then, the one on the left forearm says, perforating. So that means that it went into the body and then it exited the body. Okay. So, that's what perforating would mean. And, yeah. Can you, if you catch if I, I try to double check that I used those words right. But if, I hope I don't confuse if I used it incorrectly one time.

SF: No. (inaudible) searching for that.

A: If you, if you come across it. Let me know, I can correct it cuz I have to watch myself and make sure I use the terms correctly. And I think in the summaries of the list, yeah, page 15, I think I tried to use it there.

Q: Oh. Yeah.

A: But again, whether penetrating or perforating, both would be consistent with -- You can come through. You can come through. Would be consistent with a handgun injuries. So, there's, they're just descriptive saying I expect to find a bullet, or I don't expect to find the bullet in that, in that you know that particular wound track.

Q: Okay.

SF: That's all I have for now.

Q: Okay. And then, I was just, was the lung injured?

A: The lung injured?

Q: I, I don't know where I read that about the lung being.

A: So, the chest, I saw a gunshot wound that was to the right side of the chest and a gunshot wound that went to the left side of the chest. Let's see-

Q: Oh, I'm sorry. I'm looking at the microscopic description on page 1 after page 16.

A: Okay.

Q: All right.

A: Lungs.

Q: Okay. Here it says lungs.

A: Okay.

Q: Talk about (inaudible) sections of the lung show (focal) accumulation. And the first sentence, and it's consistent with an acute gunshot wound injury.

A: Yes.

Q: So, was his lung perforated?

A: All right. So, to answer-

Q: By one of the gunshot wounds?

A: Well based on looking at the microscopic description, it appears that one of the lungs was injured and that I took a section of it. And so now I'm going to try to locate. I, I believe probably one of the gunshot wounds to the chest or both, let's see here. There's a section under each of them where I have number 2. So, I'm at gunshot wound C, penetrating gunshot wound of left side of the chest. So there's a bullet that's recovered. Under number 2 which is the path, I generally try to describe, you were talking about the direction. So, the direction, this bullet on the left side of the chest went from the decedent front to back and downward. And then, when it did that it went through the skin and soft tissue then it entered the chest cavity and perforated the left lung and the left diaphragm. And then also fractures the left 12th rib penetrating soft tissue posterior to the left side of the pelvic bone it leveled, the pelvic diaphragm or pelvic bone.

Q: So, so is that, I, I think you mentioned all of them are fatal wounds but is this like a fatal wound?

A: Right. It, I would start with a general statement that all gunshots wounds are potentially fatal.

Q: Potentially. Okay.

A: Because the mechanism has got to be from exsanguination or it could be from perforation or destruction of a, a critical structure in the body like the brainstem. Or it can be from infection or disability that follows a gunshot wound. I think when people ask that question, I get a little confused because I think of them, jeez, all of these could've have led to his death even the minor ones could've led to infection. (inaudible) eventually, maybe. But I think what you're, how I interrupt your questions that you're asking, what would be more immediately life threatening.

Q: Yeah.

A: What would cause the person die now instead of in you know a period of time after they exsanguinated.

Q: Uh-huh. Right.

A: After they developed you know an infection and died from the infection. So, it is true that a gunshot wound to the lung would normally cause the lung to, to either collapse, not be able to function so the person would have a hard time breathing.

Q: Uh-huh.

A: Or it could cause damage with internal hemorrhage that would cause bleeding that would fill up the lung with blood so that the person couldn't breathe. So, any injury to a vital organ like a lung.

Q: Uh-huh.

A: Or an injury to a heart or injury to the brain, or the brainstem, are potentially immediately life threatening.

Q: Uh-huh.

A: So, I think you're correct in saying that it could be, it certainly is life threatening. Immediately life threatening to have a gunshot wound to the lung.

Q: Out of all the gunshot wounds was this the most severe one?

A: Let's see. I didn't think of, let me see where the forehead one went. The forehead goes through the skin and I think through the skull. Goes through the fracture the arch. (inaudible) bone hemorrhages (inaudible) fractured the skull (Inaudible) end the cranial cavity. Left side of the neck, moderate. Okay. So, this one, this one goes downward and so it causes hemorrhage, but it didn't strike necessarily a part of the body that would lead to be immediately life threatening. And lets' see, the right upper lip goes through the mandible, the teeth and then it appears to get imbedded. So, it, under the chin and the (inaudible) might not be immediately life threatening. But again, all of them eventually could. And then you said this one to the left side of the chest, that one goes into the lungs. That's a vital organ. And then, then we have 2 together on the back of the left shoulder and the left upper arm that go through skin and soft tissue and they have intersecting paths. So again, doesn't hit a vital structure but even potentially life threatening. Upper left arm, this one goes to the left arm. Ah, enters the left plural cavity and the lung. So, F, there's on that goes in the upper left arm that also ends up perforating the left lung. So, it's-

Q: Oh.

A: Lung is also hit. And there's a lot of blood in that cavity. 750 millimeters is a lot of blood. So, there's another one that goes into the lung and then here's one on G, this one, another left lung. So, the lung is shot 3 time, the left lung.

Q: Okay-

A: Is shot 3 times so far. And let's see, upper right arm, soft tissue, fractures the arm, that's poten, it fractures the bone and the arm. That's potentially life threatening but not immediately life threatening. He might have been able to survive or might've died from, whenever you fracture bone you can get something where the bone fragments and the back from that area can migrate through the blood system and go to your lungs and-

Q: Oh-

A: Can lead to death but it doesn't happen immediately. It's usually hours later. Okay. So, let's look at this other one. Skin and soft tissue right side that enters peritoneal cavity and there's not much hemorrhage. Okay. So, it doesn't hit any vital structure in the abdomen although having a bullet in your abdomen can lead to death later. And then, here's the arm, path, this one's through the wrist. Again, probably disabling but maybe not immediately life threatening. Right leg, tibia fractures the bone. Same thing like the arm fracture could lead to death but possibly later. And then we got to the end, we're at blunt trauma. So, the (inaudible) what did we count, did you get up to like three times the lung was, yeah, left lung was perforated.

Q: I have C and F.

A: C and F.

Q: I see the gunshot wounds that you mentioned penetrated.

A: Okay. If you were keeping track. I'm just reading, yes. So, when it hits the line, that's not good, right.

Q: Okay.

A: And the one that went-

Q: Immediate life threatening-

A: Immediately life threatening. And this one to the mid back it transects the spinal cord. So, it probably made it so that the decedent would not be able to walk. But again, well, you know, some people can survive spinal cord injuries. So, it's not necessarily immediately life threatening. It's certainly disabling.

Q: Uh-huh.

A: And yeah. Certainly immediately disabling. Probably couldn't walk. But maybe not immediately life threatening.

Q: Okay. And then, on, I'm going to, to page 2 of the report where you speak, evidence of medical therapy.

A: Yes.

Q: And then, stage 2, electric cardiograph (inaudible) electrodes on the anterior torso. What, what is, can you determine when that therapy was given?

A: This would be consistent with what we see when the paramedics arrive at the scene. And try to determine if the person is, has a chance of survival and should you know, resuscitation continue.

Q: Uh-huh.

A: When people are pronounced on the scene and we see most of our cases are like that where the paramedics have come before we have arrived. To make a pronouncement of death, they look at these leads to see if the heart is still beating.

Q: Uh-huh.

A: If there's any chance for recovery or if a person can be shocked in the, in the field. But when there's a pronouncement in the field we often see these electrodes on the body because the paramedics were assessing.

Q: Okay. But, but my questions was, are you able to determine.

A: Oh, no-

Q: By the autopsy when this determined? When this was administered?

A: From the autopsy I only note the presence of the electro-

Q: Oh-

A: Cardio graphic monitoring electrodes which are, E, called EKG's.

Q: Uh-huh.

A: And I know that they are what the paramedics put on bodies in order to make a determination or make a pronouncement of death.

Q: Okay.

A: So, to me, this is consistent with again, not just this case but pretty much every case we see where paramedics have been to the scene before we have, this is how we find the bodies. With these monitoring electors on them. We know that the paramedics have been there.

Q: Okay.

A: And (inaudible) we know for other reasons but mainly. They give us like their run sheet, so.

Q: Yeah. In, in your, I'm sorry-

A: Yeah.

Q: In your (business) report it mentions that the time of death was 1730, well, 1930 hundred hours.

A: Okay.

Q: Death would be. You said that that was reported by the paramedics. And I just wanted to ask, ask you, is that consistent with your autopsy?

A: Yes.

Q: The time of death?

A: Yes.

Q: Okay.

A: I just want to say one thing, and I, I'm hoping because we had the other discussing about direction. That I, I, it occurred to me that I was talking about the left forehead and I said that it had gone downward. And I think you know that even though I say the direction is downward.

Q: Uh-huh.

A: Because of the standard anatomical plane.

Q: Okay.

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A: That does not mean the decedent could not be leaning forward with the head pointed toward the shooter and that the person standing with the gun shooting someone on the left side of their forehead and going down towards their neck.

Q: Uh-huh.

A: And then when they stand up right it looks like it went downward like they were shot from the sky.

Q: Oh-

A: But in realty it just means that they were leaning forward. At the time that they were shot. Most likely because usually shooters are standing or sitting, but whatever, they're, they're at some plane that's equivalent to what your plane would be as another person. And so, the downward direction is indication that the persons where the bullet went in needs to be pointing towards the person. But instead of looking at the shooter they would need to be bent forward towards the shooter so that the bullet would come in on the left side of the forehead and go down the neck. The direction I would call down but in reality, the persons actually bending forward.

Q: Okay.

A: The time that they were shot. So, I hope that that.

Q: Yeah. The directions are based on the plane of the enter, or-

A: Right. Standard anatomical plane. And so that's true when you're trying to look at any of the directions, it's always based on the person being upright for my evaluation but the trajectory or the direction of downward might indicate that the person was bending or somehow, like the one in the mid back. I said it went downward so the person could be, the shooter could be behind the individual and, and the gun could be pointing downwards. Or in the scenario where the persons leaning forward that the body collapsed forward then the shooting in this direction would go into the body and go back towards the buttock. Which when I stand the person upright it would look downward displaying towards the, the back downward, right.

Q: Oh.

A: So, I, I don't know if I made that clear. But I don't because you asked the question.

Q: Yeah.

A: I think you want to try to understand it and so, when you're interpreting other things, just write the position of the arms. The, the direction in regards to this standard anatomical plane would have to be considered with the position of the body and the shooter. Always. So, downward doesn't always mean somebody who's standing over them.

Q: Yeah.

A: And I don't want to give you that impression. I realized I didn't say that, and I know that would be confuse, I would find it confusing.

Q: Okay.

A: The term downward I would always be like, so they were standing over him and shooting him? Yeah. But not nec-

SF: Like you said, in the first part, you still can't determine the position of the body part.

A: Right.

SF: If an arm was up.

A: Up or down. Or for that matter, if the head was leaning forward. You know, or, sorry, backward. I mean, that's an odd position that would hurt my back but I'm just saying, I, I don't know that. I don't know for a fact. But so, remember what the direction, cuz you asked me about the direction.

Q: Yes.

A: I'm just pretending he's standing upright when I'm talking about it. So, I can communicate in kind of a conventional way to another doctor trying to read this report.

Q: Oh.

A: We all use this standard convection, the forensic pathologist agreed. We all agree we're going talking about this way.

Q: Uh-huh.

A: Cuz there's no other good way to organize it so we tried something logical.

Q: Okay. And then, let's see I want to move on to the toxicology report that stated that there was an indication of can, (Cannabinoly)?

A: Cannabinol is right.

Q: Okay.

A: Yes. That's right.

Q: Okay.

A: Yes.

Q: Are you able to tell me when it was, I guess taken, or, (inaudible).

A: I, I can't, all I can tell you is that I received this report and I know that Delta 9 THC is an active ingredient for marijuana use. So, that's the active metabolite. So that's present in his blood and it looks like some time before death he may have been exposed to marijuana.

Q: Okay.

A: And then, I'm going to stop at that point and say, if you have questions about whether he was you know acutely intoxicated or this is in passive, you know, smoke or whether it can show that he was an acute and a chronic use, I'm going to refer you to Dr. Lemos, Who is our director of forensic toxicology here and testifies on a, on these matters on a regular basis for a living individuals. Cuz he does a lot of the police DUI cases. So, he can talk about impairment and length of time of exposure whether this is consistent with chronic user, acute and chronic. And then whether he would be feeling any of the effects of this. I think those are important questions and I would, I think you would get better answers from him.

Q: Okay.

A: And his number is 553-9008 and you can tell him that you already met with me about Alejandro Nieto and that there were some toxicology questions you had. And, and you and Dr. Hart suggested that we call.

Q: Okay.

A: And make an appointment with him. I know he's out today and I think he's in next week. So, you call, he'll get back to you. And he's, he'll be, he, this is his life's work, he loves.

Q: Okay.

A: You'll have a good time with him.

Q: All right.

A: He'll give you a lot of interesting information he shares with us all the time. I can tell you that the levels that are present here are not consistent with the level that would have caused his death but that seems somewhat obvious in this case. But just in general that's what I'm-

Q: Okay.

A: When I send tox specimens to the laboratory I'm asking, does he have anything in his system that might've caused his death.

Q: Okay.

A: And the answer here is, no.

Q: Okay.

A: But other questions about impairments and how he acted and whether he was a chronic use or not, Dr. Lemos would love to talk to you about it.

Q: Okay. All right. And then I wanted to go to page 14 the gastrointestinal system.

A: 14.

Q: I wanted to know were there any contents in Alejandro Nieto's body at the time of the autopsy?

A: Yes. He had stomach contents, is that what you're interested in, or?

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Q: Yeah. Because you know, well I don't know the amount, but the report say he was eating at the time. Are you able to tell whether he was in the process of eating?

A: So, I again, I went to the scene and so I know that you know maybe it's not in this report. But I did see these glasses at the scene and I also remember seeing like a bag. You know a takeout bag for like food. And I remember I thought I saw like what looked like tinfoil maybe. And you know possibly a burrito.

Q: Uh-huh.

A: But then, I don't know if it was his burrito or somebody else's burrito that happened to be there. I can tell you that he has nondescript food fragments in his stomach, and they were pink tan. That they were about 250 milliliters. So, this is about 236 milliliters so there was like you know, like a cup, cup of nondescript food fragments. So, this is not inconsistent with him having eaten a burrito. The coloring, the pink tan, because of like the, the beans and the you know the flour tortilla, you know I can't say for certain that that was that, but this is not inconsistent with burrito.

Q: Okay.

A: Okay. And I don't, I don't, if you had told me that he had eaten carrots and green peas, I would say that's inconsistent.

Q: Okay.

A: This pink tan color. Cuz when people eat carrots and green peas, it looks, it's already orange and green, it's very obvious. The food that you eat looks a lot like what you're, cuz when you chew it all up it's kind of more like a pasty mass. It's not really distinct unless people swallow things whole. So this is not inconsistent with a burrito.

Q: Okay.

A: Okay.

Q: And-

A: But it, this is common sense you know. It looks, the same colors in the burrito would be here. And then if you'd eaten something else, I would expect a different color.

Q: Okay. And but during your investigation, autopsy, everything, can you determine if he was in the process of eating, or was that like the time like?

A: So, here's what I can tell you is that, just in general, and this is common sense is that usually when people eat, right after they eat their stomach has food in it. But if it had been several hours since he ate the burrito and then, then he's found dead, his gastric contents would probably have been mostly digested by then and moved further down his GI track. Generally, and this is going to make sense. You eat breakfast by the time you eat lunch, usually your stomach's empty by then. Unless you ate some kind of really huge meal and that's a kind of variable. If you ate a very small amount of food and it was mostly liquid, it could clear very quickly out of your stomach. It, it digested and then it moves it down the GI track. So, this is consistent with him eating some time close to the time that he died.

Q: Okay.

A: Because he still has something in his stomach.

Q: Okay.

A: If hours had gone by, I would expect his stomach to be empty. And you would to, it makes common sense, right? The stomach would've digested it, moved it on.

Q: Okay. Okay. Those are questions I wanted from your business report. Now I want to move to this trajectory gunshot wound (inaudible) that was made by the Alejandro Nieto – Justice for Alejandro Nieto organization.

A: Okay.

Q: And I don't know. So, I brought a copy for you.

A: Oh, I really appreciate that. I will try to match it up.

Q: And they use, I'm going to read what they wrote. They wrote an amount first.

A: Okay.

Q: The autopsy report there and -

A: Okay.

Q: And in their website they, they start off by saying that they're not, that medical doctors or forensic experts.

A: Well, so, I'm going to start by saying.

Q: Okay.

A: These are business records and are a matter of public record.

Q: Okay.

A: So, I, sorry, I don't, I know that maybe they might criticize whatever is in here. And, and that's okay. Or they might agree or not agree, I don't know but, but these records are made available for the purpose of the public being able to have them and, and sometimes reach their own conclusions. So, I accept that.

Q: Okay.

A: Okay. And so, I just want you to know that I'm receiving this information in the spirit of how, why this is produced, is so that people can read it and come to their own conclusions. I'm actually interested.

Q: Okay.

A: In hearing the questions.

Q: So, I just want to start off first by asking you, just by looking at the diagram, are you able to tell if these are accurate, given your description of the gunshot wound?

A: So, I will tell you that what I noticed immediately is that and you're gonna to see it too is they're using the standard anatomical positions which makes me very comfortable looking at the diagram.

Q: Okay.

A: Cuz I'm hoping, and I don't know who did this analysis. But I'm, even though they said they are not forensic pathologist and it's not what they do, they have managed to find this. And they're doing exactly what I did for you, right and left, right?

Q: Okay.

A: They're labeling it, here's the right side, here's the left side. And here's the person in the right position. So, if you want to, we can go through this.

Q: Okay.

A: And try to make sense out of it from the report. So, let's start with So they said there was a penetrating (inaudible) left forehead. So, they have it on the left side of the forehead. That's fine, and then they're going, we said it goes straight down and then ends up in the neck area. I think is what we say.

Q: Uh-huh.

A: So (inaudible) soft tissue left side neck behind the medial left clavicle. They have it in the right location.

Q: Okay.

A: Okay. So, this, this is correct.

Q: Okay.

A: Goes straight down. Though I don't know how this, there's A. So we're, then, so I didn't bring it out but sometimes when I have things that come from the side, I also have a skeleton and body diagrams that look like this. So, somebody got some kind of diagram that we use on a regular basis. So, there's A, left side of forehead going straight down behind the clavicle. Fair enough. B, right upper lip, right upper lip. And then I'm saying it goes across the, let's see, the gunshot was located in the right upper lip, right upper lip. Below the top of the head, reading lacerations. He fractures it enters the oral cavity and fractures the right side of the mandible and upper right side of the teeth. So they have it going towards the right. Okay. That's, I don't know

what else to say. There it is. It's lodged or fragments are recovered from the mouth and the right side of the Mandible, intermix with the teeth of the mouth. Okay. Fine. And the tongue, so there's, well, they don't have it labeled. But that would be B.

Q: They have it on the other.

A: Oh, they have it on B. Okay. So, you're showing upper right side and then let me double check my picture here. Yeah. So, there's B, it's clearly on the right side. So, right side is correct.

Q: Okay.

A: And then, then we go to C. Penetrating gunshot wound have left side of the chest. So, this is C on the left side of the chest. Side of lodgment path CC2 goes through left chest, here's the left lung, left diaphragm, left posterior 12th rib penetrates the soft tissue. Posterior left side of pelvic bone at the level (inaudible). Okay so it goes way down here. So, here's C, okay. It goes down in the back. And then, so that's C, D. Back of left shoulder and left upper arm. So, D and E, the enter here. Entrance of gunshot wound on the left side of the shoulder C. Oh in the picture it's C. So, D an E, back of left shoulder and left upper arm. So this, there are 3 bullets here. So, oh yeah, this one is very odd. I know when I dissected this one the, the paths were like, let's see. The bullets appear to number 3 and do not have evidence of surface oxidation. So, when there's two holes here, and they intersect, so it's hard to tell which came from which one. Which is why I grouped them together.

Q: Okay.

A: But when I open this up I only see two holes and I have three apparent bullets. Okay. So, that either could be, so what we think about as forensic pathologist, was there a bullet that was already there cuz he was shot in the past. But when we have old bullets and they've been in the body for a while, they generally have scar tissue around them, or they've oxidized. They turn kind of grey or black. You know just from the bodies whatever fluids sort of interacting with the surface of the bullets. So these bullets didn't look like that. They all look kind of recent. Now

there, there's a phenomenon where you can shoot the gun once and two bullets can come out together called tandem bullets. They could go into the same hole. Or I myself have done target practice with guns and when I shoot my target, I sometimes shoot through the same hole, cuz I'm aiming in the same place. Aiming you know center of mass. Or I shoot 30 bullets toward the center of mass. Some of them go through the same holes. So, I don't, I don't understand this gunshot wound well enough to tell you exactly what happened. But I think in the description I try to capture all those possibilities. And I look for the oxidation of fibrosis and I didn't see it. So I end up counting this as an extra gunshot wound because it has an extra bullet. But I have to admit, I'm not sure what happened to his left shoulder. It is shot. It's not one of the immediately lethal gunshot wounds that we talked about that went through, or, maybe it is, hold on a second. I think it did go through the lung. Wait a second. D. Oh no, it's the left chest that goes through the lung. And D and E, they perforate the skin intersecting show amount of no powder residue. There's (inaudible) the bullets including R are located and having no, it, it fractures the left humorous. One of them fractures the left humorous but none of them go through the lung. But I end up with 3. I do not have (inaudible) there's the, while I'm looking for that, I don't see it. The fragments appear to be consistent with three separate bullets and that's the other thing is I admit that I'm not a ballistics expert. Possibly the police department took the three bullets and analyzed them. Maybe there's only 2 bullets. Maybe one is a part of another one. But they appear to be of a size and shape that would be consistent with three. And then, could be tandem bullets so, shot together or maybe 2 enter at the same hole for some reason. I don't know. So, I'm, I'm left with 3 bullets and D and E intersecting paths. So that's, I know, try to be really good but if one bullet goes in one direction another bullet goes in and it crosses paths inside the body I can't tell the dif, I don't know which one went to the next direction. So, I try to describe them together. Both go in left arm; bullets end up where they end up. Which one did which damage, I can't be certain, so I won't say I know cuz I don't know.

Q: Okay.

A: Okay. So, that, that's okay. I see what they did. But I would say, unless 3 bullets didn't go (inaudible), that's fair enough.

Q: Okay.

A: And then, let's see. Then there's E, there's D and E, F is upper left arm. Upper left arm. An entrance gunshot wound to the upper left arm, what is this, F? Right, yeah. These are the ones that go into the lung. So, that goes into the lung. And then, two bullets are located, oh yes, not possible to tell. So, here we go with F and G, same thing. They both go into to the soft tissue and then they enter the plural cavity. And when the dissection is done, the bullets are not fixed into place but had gotten dislodged and they're in the blood that this cavity is full of blood. It's like a big liter of blood in there. They're in the blood in the cavity. So, same thing, I don't know with certainty which bullet came from F or G. I find both of them and, and they've damaged the lungs. But I can't with certainty you know this might be important if the police were trying to piece together which gun fired which bullet. Again, ballistic experts might be able to tell it. All I can tell you is I had two gun shot wounds that were here, I collected the two bullets and the lungs were, and the lung was damaged. And that's probably the best I could do with just visual, visualization of the injury.

Q: Oh.

A: Okay. So, that's the, that's F. And-

Q: G.

A: And G same issue. Goes in the upper left chest and this one I think also goes into the lung. And then same thing, I think that it's found just in the plural cavity. This one in the blood in the plural cavity.

Q: Okay.

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A: And then H is the right upper arm. And this one soft tissue around the bullet fractures the right humorous so again, hits the bone slows it down. And then it's in the soft tissue of the back at the level of the right scapula. So, that's H. So it goes back, hits through the oh, (inaudible) checking on the, let's see. D and E, A goes down, D is not labeled but it's shown here, D. And then C goes in the chest and down. Let's see, C, chest and downright pelvic. And D and E were the ones that go in. Oh, here's D and E, they're showing it in the back of the scapula.

Q: Uh-huh.

A: And I think that's the only places depicted. And D and E are here and here. Okay. And then F is two on the left side. And enters and then who knows which one but they're both found. So, that's F and G and H goes in the right arm and there it is. And it's found and then we go to I. Penetrating gunshot wound of right side of chest. The path after perforating the skin and soft tissues of the right side of the chest, the bullet enters the right side of the peritoneal cavity. So, where did they picture I? Oh, it looks like a 1. Okay. Right, right chest cavity. And they say perforates the skin and soft tissue enters the peritoneal -- no along this track. It's in the cavity. Fine. Yes. It's found loose in the cavity without much blood. And so, they're showing it I, going straight down. Remember this thing I told you about downward.

Q: Yeah.

A: That might mean facing forward if I'm shot. If I'm shot in the right side and then it ends up down in the cavity. But probably I'm leaning forward and towards the person. Okay. Let's see, J, oh, J is in the back and goes downward and, in the, and K is left forearm. K, entrance gunshot wound of the back of the left forearm. K, so they got that right. Okay. Located and then they're saying the path of let's see here, direction of bullets from the back front, left to right and upward. And then, we have an exit wound at J. That's a picture, in the picture it's J. Left forearm and I think that's what this X must be.

Q: Yeah. Oh, no.

A: And its K, is the-

Q: It's lodged (inaudible). It's the-

A: Although X, let's see a single bullet-

Q: Okay.

A: Fragment is recovered from the wound track. So, a bullet fragment is recovered. But there's also an exit wound. So, there's an, I don't know how they did, I don't what the, oh, lodged or exited. So, lodged, well there's also an exit so I guess they would have an exit. There's' an exit, so not all of the bullet is -- so it's a partial exit. It's a partially perforating. So, it, it appears to portion of the bullet enter, when, when a bullet hits bone it can fragment apart. And then when it fragments apart it goes from being one projectile to multiple projectiles. Some of the projectiles can exit and some can be retained in the body. And I think that's what happened here. A single bullet fragment is recovered but there's also an exit. So, I don't know why they don't have an red exit here.

Q: That's for K?

A: Yeah. K should have an exit too. But some of the portion of the bullet appears to exit. So, there's another hole in his body. And there's I, perforates gunshot wound to the left wrist. So, L, sorry, L's here. Medial (inaudible) so they have that correct, L. And then they say, they're thinking it's an exit and it does exit, and the direction goes from the decedent's right to left. So, decedent's right to left and upward in this plane. Okay, fine. With an exit. I don't see anything retained. M is a graze of the back of the right wrist. Right wrist back. Decedent's left to right. Left, it won't really show a direction here. I don't know if the rib downward path, don't know what that means. But a left to right is, is correct. And then this and they're own thing, they're saying, upward path and then they have a little red dot there. I don't know what that means. Upward and downward? So, it, yeah, so upward, just upward, most of it's correct. I guess I'd take that little red thing off. And then N is anterior right leg. Right, and they're saying it's going

from there's an exit and I see there's an exit. And it goes from the decedent's right to left, neither up, as slightly upward. Okay. Right to left, so it goes across and it exits. Now, we get, L is blunt trauma but not shown. And then we stopped comparing when we got to maybe K. I remember looking at I, let's see, I. Let's see where is their J. J's in the back. Oh yeah, there's J.

Q: Uh-huh.

A: They show J. And then J, K, along here, so, they're saying, this looks like the left. And this is the left, it goes to the back to the front and okay. So, there's-

Q: An exit.

A: I don't know which one was the partial exit. Let's see. It didn't show the fragment. I think it might've been K, let's see K.

Q: Yeah.

A: Yeah. So, K they're showing as a lodged but it's really an exit and a lodge and same for here. Whatever. I don't know if I had to use this, I would correct it but I (inaudible). And then here's, so generally, L is left and going up and then M, let's look at M.

SF: M is the graze? Yes.

A: Of the, oh, back of hand. And so, they're showing it just kind of in generally, it's the right hand that appears to be on the correct side. And then, N is the right lower leg. N, they're having it go right to left and upward. And they're having it exit so that appears to be, they're showing N here. And they're showing N here. Okay, they're showing it two times. D and E is there. A, I don't really know what they're trying to depict there. And C, C down, and I. If I had to interpret this picture it would make me kind of think that they're showing the ones that are going downward.

Q: Yeah. You see down here.

A: I see A. Oh, Oh-

Q: 7 downward shot.

A: 7 downward shot.

Q: Head to toe.

A: A, C, D, E,

Q: J and F.

A: J, oh, so they don't show the spine. And then, I, right and so, this is that issue that I told you about. That I'm facing towards you, my heads down. But the downward shots are -- I'm calling them downward, but it doesn't mean he was shot from above his head or that he was on the ground and somebody stood over him and shot him.

Q: Uh-huh,

A: It's consistent with, if, if we assume the shooters all on one plane and he's leaning towards the shooters at the time these shots are, are fired towards him. So, I give them a B plus.

Q: Okay.

A: That's not, this is not, I'm sorry, may, I hope they're nice to me. But I, it's not too bad. I would make minor adjustments to it, but it is attempting, it took the information that I have, and it's translated at least the sides and the trajectories fairly well. It's, it's not inaccurate. I would and the fine details I'd make to make it a little more accurate. And I'm sure they could find things in my report that I could do maybe a little better too. But is that helpful to you, or-

Q: Yeah. That's helpful.

A: Is it promising?

S: Uh-huh.

A: They, they did a pretty good job actually.

Q: Okay. Good. Okay.

A: Yeah. Yeah.

Q: Now, I don't know if this, let's see. How about, no. Yeah. Yeah. Okay. Yeah. Let's see. I think that's all I have. Yeah. That's all the questions I have, do you have any?

SF: I just have a general question.

A: Okay.

S: So, does the fragment have any type of a simulator similar to what see on TV sometimes in the forensic files where a simulator can put in all the shots that this person received and determine how they, how his body took the shots? Any type of electronic type of simulator?

A: Right. We, we don't today have anything like that. I, like you, watch TV and movies I go to forensic conferences and I know that people are trying to use three-dimensional reconstruction.

SF: That's what –

A: To try to make information like this more accessible. I can tell you that in the new facility, which is planned, ground-breaking is like June of this year. And we possible move in in 2017, that there's a hope that we will be, we're making room for what's called a cat scan. Well, you know what cat scans are, they use it clinically on my people. But we also use them forensically to do just what you're saying. Image the body and then 3d reconstructions.,

S: Reconstructions.

A: Yeah. And for us it's the purpose of documenting injuries which you know, these were just gunshot wounds and it was lengthy, and you know there's a lot of detail to be careful. But it would be even more helpful to me to have pictures like this that were done by a computer that I could, when I'm preparing my report, refer to instead of my line diagrams and my memory and the photographs which are good but they, it would be easier and more complete. And then I would have probably an exhibit that I could show you and show in court if I ever had to show (inaudible). Just go to court. But as a court exhibit so that the jury would have a more accessible information than try to pick it out of my report or look at a 2D representation of it. Or, they tried here, front and back and side.

SF: Right.

A: Images of it. They tried. And then I like, I've never seen that view where they just cut the body this way to show the downward trajectories. That's actually really nice. And I think the new technology we're getting should be able to do that other than doing what we do today which is a piece of paper or various diagram.

SF: Visually enhance.

A: Yeah. Visually enhance.

SF: Yeah.

A: So, we don't have that capability today that we would like to in the future. And I think some offices are experimenting with it now and so we'd like to do that too.

FS: Right. That's all I have.

Q: Okay. If there's nothing further, I will conclude the interview. The time is approximately 3:25 pm. I'm going to go off tape.

END OF INTERVIEW

CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

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I, the undersigned, hereby certify as follows:

That the foregoing transcript, page 1 through and including 48, to the best of my knowledge and belief is a full, complete and true transcription of certain tape recordings as described below to the best of my ability to hear, understand, identify speakers and transcribe said recordings, with the exception of any portion indicated as (inaudible), and words contained in parentheses, which indicate the best guess. (Any errors, changes or omissions should be brought to my attention for correction.)

That said tape recordings were furnished to CTI Transcription Services, 79 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability, and requested to be transcribed.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of May 2019.

/s/ Kathy Kay
KATHY KAY
By Electronic Mail

SFDPA - 0179-14 - 002201

Time code	Speaker [Q/A]	Source line
00:02	Q	Okay. This interview's regarding [unintelligible] state case number 179-14. It's being recorded on March the 28th the year 2014 on Friday. Conducting this interview in Spanish. This is investigator Helen Calderon. The co-complainant is [redacted]. Señora [redacted], ¿me da permiso para grabar esta entrevista?
00:26	A	Ah, muy bien. Sí, cómo no.
00:27	Q	Okay. Estoy requerida a leer [crosstalk] --
00:31	A	Estoy en el teléfono.
00:33	Q	- de la queja. Dice usted tiene el derecho de hacer una queja contra un oficial de policía por cualquier conducta policial impropia. La ley de California requiere que esta agencia tenga un procedimiento para investigar dichas quejas. Usted tiene el derecho a una descripción escrita de este procedimiento. Después de la investigación, esta agencia puede decidir --
00:54	A	[Unintelligible].
00:55	Q	- de que no hay suficiente evidencia para justificar acción sobre su queja. Aun así, usted tiene el derecho de hacer la queja y de que sea investigada si un policía se comportó --
01:05	A	No la estoy [unintelligible] que se seque más.
01:08	Q	Quejas, reportes, o decisiones relacionadas a estas quejas tienen que guardarse por lo menos cinco años. Es contra la ley hacer una queja sabiendo que es falsa. Si usted hace una queja contra un policía sabiendo que es falsa, puede estar acusado de un delito menor. ¿Entendió lo que le leí?
01:24	A	Exacto, sí.
01:25	Q	Okay. Por favor dígame qué fue lo que sucedió y de qué se trata su queja.
01:31	A	Bueno, yo no vi nada ni sé nada, pero solamente que este muchacho era muy buen muchacho. Aquí en mi casa venía a comer. Yo nunca lo vi violento, porque vi cuando su madre estaba esperando, que no había ni nacido él, y estaba embarazada. Y yo hace muchos años -- yo conozco un muchacho que era un buen muchacho este. Yo quiero que por favor se haga justicia acerca de este problema, ¿verdad?
02:08	Q	Okay. Usted lo conoce desde que era chico, ¿dice?
02:11	A	No, desde que la señora estaba embarazada.
02:13	Q	Uh-huh.
02:14	A	Sí, porque ella se movió aquí en este lugar desde el '84.
02:25	Q	Okay.
02:28	A	Yo quiero que por favor, pues, yo sé que él ya está muerto y ya no se puede hacer nada, pero yo tengo cinco nietos y no me gustaría que pasara una cosa así, ¿verdad?
02:47	Q	Okay. Entonces, pues ¿cuál es su queja contra la policía?
02:52	A	Pues mire, mi queja es que por favor ahora, tal vez en el futuro, pueden tener un imán o algo que pueden detectar si es pistola de verdad o no es. Algo tienen que cambiar. Algo tienen que hacer, porque no es posible de que haga una cosa así. Si no -- ¿verdad? Como pasó allá a [redacted]. Eso es lo que digo, que hagan algo. Ya en la vida no se puede, pues él ya no puede vivir demás. Ya pues ya murió, ¿verdad?
03:27	Q	Uh-huh.

03:28	A	Eso es lo único que yo pido. Sí.
03:37	Q	Okay. Bueno, ¿algo más?
03:40	A	Ah, pues ojalá que Dios quiera que se pueden hacer algo a la justicia o algo, que porque yo no sé, yo pienso que para mi no fue -- porque le hubieran hablado al muchacho, y ya han esperado mucho tiempo ahí para que él dejara -- pero no. Pues, yo no sé. No [unintelligible] matarlo solo así, y eso es lo que yo no -- y eso que todos estamos con ese problema, ¿verdad? Preguntando que cómo, qué pasó, ¿verdad? Así de que ese es todo, y por favor ojalá que ahora y en el futuro hagan algo, ¿verdad?
04:15	Q	Okay. ¿Algo más?
04:17	A	No. Solamente eso --
04:18	Q	Okay.
04:19	A	- y gracias por todo.
04:19	Q	Nada más voy a terminar [crosstalk].
04:23	A	Un momentito - un momentito. Un momento - un momento. *[Extraneous Conversation 04:28 - 04:39]* Bueno, entonces es todo y muchas gracias.
04:41	Q	Okay.
04:42	A	Es que yo tenía otra señora aquí, pero quiere dar ninguna opinión.
04:46	Q	Está - son la 1:23 de la tarde. Voy a apagar la grabadora.

Time code	Speaker [Q/A]	Source line
00:00	Q	Okay. This interview's regarding [unintelligible] state case number 179-14. It's taking place on Thursday, March 27th in the year 2013. Conducting this interview in Spanish. This is investigator Helen Calderon. The co-complainant is [redacted]. Señora [redacted], ¿me da permiso para entrevistarla acerca de este incidente?
00:25	A	Mm-hm. Sí, claro.
00:26	Q	Okay. Entonces, le voy a leer el apéndice de la queja que dice que usted tiene el derecho de hacer una queja contra un oficial de policía por cualquier conducta policial impropia. La ley de California requiere que esta agencia tenga un procedimiento para investigar dichas quejas. Usted tiene el derecho a una descripción escrita de este procedimiento. Después de la investigación, esta agencia puede decidir de que no es suficiente evidencia para justificar acción sobre su queja. Aun así, usted tiene el derecho de hacer la queja y que sea investigada si cree que un policía se comportó inadecuadamente.
01:05	A	Uh-huh.
01:06	Q	Quejas, reportes, o decisiones relacionadas a estas quejas tienen que guardarse por lo menos cinco años.
01:12	A	Uh-huh.
01:13	Q	Es contra la ley de hacer una queja sabiendo que es falsa.
01:17	A	Uh-huh.
01:17	Q	Si usted hace una queja contra un policía sabiendo que es falsa, se puede enjuiciar en un delito menor. ¿Entendió lo que le leí?
01:24	A	Sí, pero -- bueno, yo no creo que sea falsa, porque --
01:28	Q	No, yo sé que no.
01:29	A	- el muchacho no traía arma.
01:31	Q	Sí. Okay, ahorita la voy a entrevistar y ahí me dice. Okay.
01:34	A	Muy bien.
01:35	Q	Entonces, por favor dígame de qué se está quejando y de qué se trata su queja.
01:47	A	Bueno, es que el joven es conocido de uno de mis hijos, y no creo que haiga traído a nada para amenazar a un policía para que mereciera eso. Y tanto que lo balacearon. Yo pienso que tenían que haber hablado primero con él, porque tienen que conocer las armas bien para poder atacar. ¿No cree? Entonces, yo pienso que esto fue muy injusto. Lo privaron de su vida sin saber qué estaba haciendo o qué. No sé se él haiga cometido el error de amenazar. Como quiera, yo creo que la policía es para tener uno confianza de cuando uno pida una llamada o un auxilio o algo, lo ayuden en lugar de tener miedo, hablar con ellos. Yo pienso que así debería de haber sido, porque pues uno de mis hijos sí está triste. Mi hija tambi- ella, mi hija lo conoció muy bien. Entonces, y luego lo más triste es que yo nunca había sabido que esa área en 50 años que tengo aquí hubiera habido balazos así a matar. Porque mis hijos ahí dieron sus primeros pasos. Yo viví por casi 20 años en [redacted], y ahora esa casa se la dejé a uno de mis hijos. Y bueno, muy bonito ese parque porque a la hora que fuéramos, estaba silencio, bonito, tranquilo. Era un parque familiar. A cualquier hora podíamos ir a correr sin ningún pendiente, ningún peligro. Ahora con esto, pues como que ya me da miedo que mis hijos vayan a

		llevar a pasear sus perritos para allá. Porque ellos acostumbran siempre ir ya tarde. Y pues para ir a caminar y eso, en lugar que le diera uno gusto encontrar un policía, pues que nos de miedo, porque imagínate. Eso es lo que yo siento mucho.
04:18	Q	Ajá.
04:19	A	Por la familia, y así como fue él, pudo haber sido uno de mis hijos andando allá, paseando el perro. Porque siempre van en la tarde, oscureciendo, ya que se desocupen de la cena y de todo. Así como pudo haber sido él, pudo haber sido uno de los míos, o uno de los de mis amigas que viven por ahí en los alrededores. Y acá de donde yo vivo ahorita, va mucha gente a caminar, a disfrutar. Siento como que ya va a estar un poquito oscuro para tener tanta confianza como la que yo tuve en mi época. ¿No cree? Ojalá que valgan mis palabras algo.
05:11	Q	Okay.
05:13	A	Que tengan un poquito validez, porque sí es triste.
05:18	Q	Okay. Entonces, ¿algo más que crea que es importante al terminar la grabación?
05:25	A	Bueno, no sé si para usted lo sienta importante, pero lo más importante es lo que yo siento del cambio de ese lugar.
05:37	Q	Okay.
05:39	A	¿Mm? Y ojalá y no vuelva a suceder, sobre todo con un muchacho tan joven como él. Como le digo yo, no sé si él le haya amenazado o se haiga portado mal, o -- en fin. Yo lo único que sé es que pues por algo que él traía que no es de matar, y que haiga costado su vida.
06:08	Q	Okay.
06:09	A	¿Mm?
06:10	Q	Uh-huh.
06:11	A	Mire, tómeme en cuenta si es que tiene un poquito de importancia. Si no, de todos modos yo ya descansé.
06:18	Q	Okay. Gracias. Entonces, voy a terminar la entrevista ahorita son las 4 con 12 minutos. Voy a apagar la grabadora.

Time code	Speaker [Q/A]	Source line
00:02	Q	Okay. This interview's regarding [unintelligible] state case number 179-14. It's taking place on Wednesday, March the 26th of the year 2014. Conducting this interview in Spanish. This is investigator Helen Calderon. The complainant is [redacted]. Señora [redacted] --
00:20	A	Sí.
00:21	Q	- ¿me da permiso para --
00:21	A	Sí - sí - sí.
00:22	Q	- grabar esta entrevista?
00:23	A	Sí.
00:24	Q	Okay. Le tengo que leer el apéndice de la forma de queja. Dice que usted tiene el derecho de hacer una queja contra un oficial de policía por cualquier conducta policial impropia.
00:36	A	Sí.
00:37	Q	La ley de California requiere que esta agencia tenga un procedimiento para ver si investiga dichas quejas. Usted tiene el derecho a una descripción escrita de este procedimiento. Después de la investigación, esta agencia puede decidir de que no hay suficiente evidencia para justificar acción sobre su queja. Aun así, usted tiene el derecho de hacer la queja y de que sea investigada si usted cree que un policía se comportó inadecuadamente. Quejas, reportes, o decisiones relacionadas a estas quejas tienen que guardarse por lo menos - por cinco años.
01:12	A	Okay.
01:12	Q	Es contra la ley de hacer una queja sabiendo que es falsa. Usted va a hacer una queja contra un policía sabiendo que es falsa, se puede enjuiciar por un delito menor. ¿Entendió lo que le leí?
01:25	A	Sí - sí.
01:25	Q	Okay. Entonces, yo le voy a mandar una copia que necesito que firme y la regrese usted misma a esta oficina, y también le voy a mandar una copia de su queja por el correo también. Por favor dígame de qué se trata su queja y qué pasó.
01:44	A	Yo estoy con miedo, porque yo vivo en la [redacted] y yo acostumbro a caminar ese cerro. Y yo ya no quiero seguir caminando -- porque este es mi vecindario -- porque me puede pasar lo mismo. Yo pienso que este muchacho se estaba comiendo un burrito -- porque allí estaba el burrito, y yo no veo yo cualquier cosa. Y también, él es amigo de un amigo mío que es muy buen muchacho. Es muy buen muchacho, y es trabajador. Es todo - y no veo yo porque lo hayan matando así. Yo pienso que necesitan investigar a los cuatro policías que estuvieron ahí, y que el muchacho apareció muerto, que lo mataron. Yo ya no quiero, y es mi vecindario, porque yo tengo miedo que un policía me puede matar por comerme un burro. O yo ya estoy vieja, tengo 70 años, y ya no quiero caminar ahí. Es mi vecindario.
02:53	Q	Okay. Entonces, usted dice que el muchacho es un amigo.
03:02	A	El muchacho es amigo de un amigo mío de familia, y el muchacho estaba ese día con ese - mi amigo, que es de familia, comiendo --
03:13	Q	¿Cómo se llama su amigo [unintelligible]?

03:15	A	Se llama [redacted], y ese día estaban moviendo unos muebles. ¿Ve? Y entonces digo yo, y bueno, este muchacho acaba de estar ahí, y eso me lo está diciendo el muchacho.
03:29	Q	Uh-huh.
03:30	A	Entonces, y después iba a trabajar, este muchacho Alejandro. Iba a su trabajo después. De su cuenta pasó comprando un burro, y se lo fue a comer ahí. Algo pasó. No se sabe qué, pero lo único que sabemos es que está muerto.
03:45	Q	Okay.
03:48	A	Entonces lo que ne- además, yo vivo en este vecindario. Yo voy a caminar ahí, y me da miedo, pues.
03:54	Q	Okay. Entonces, okay. So, usted quiere que se investigue.
03:59	A	Sí.
04:00	Q	Okay. ¿Algo más acerca de [unintelligible]?
04:11	A	Pues no. No, porque ya lo - todo los vecinos ya no podemos ir a caminar aquí a nuestro parque.
04:18	Q	Uh-huh, okay.
04:19	A	¿Okay? Gracias a usted.
04:20	Q	Okay. Si no hay nada más, voy a terminar la entrevista --
04:22	A	Sí.
04:23	Q	- con las 3:49. Voy a apagar la grabadora.